

ers from furnishing soybeans for a reserve without in effect donating them? While we have not produced enough for our customers let alone establish a reserve, everyone agrees that in order to keep our customers, we must have some reserve of soybeans available in the event of a bad crop. Failure to have that reserve has already cost us customers and sales.

One method of protecting producers is by having a \$2.50 loan rate. That is the method currently being used. This method causes some problems in marketing. When the difference between the loan rate and the market price becomes so narrow that there is no incentive for a farmer to dispose of his soybeans until delivery time the following summer, a temporary shortage of beans available for export and processing develops during the winter months and consumption is reduced. While a loan at harvest time to avoid glutting the market and to prevent depressing prices is needed, we also need a good flow of beans all through the winter months in order to secure maximum consumption. When too many beans are held until the middle of the following summer and that built-up supply is then dumped onto the market, sales have been lost that cannot be recovered and a sudden surplus causes prices to go down even more just before time to harvest the new crop. It seems to me that we would have greater consumption with a loan rate of about \$2.25 per bushel and could find some other way to protect farmers from any reduced income caused by producing enough to provide a reserve.

Another problem with depending too much on a higher loan for income protection is that it tends to cause the beans to be out of position for sales. Forty percent are shipped overseas and overseas buyers often want these soybeans available on short notice. When they are stored on farms, they are as far out of export position as possible, especially in view of the chronic boxcar shortage and other problems of weather and seasonal labor shortages. More soybeans could be sold if they were nearer to processing and shipping facilities. Thus, depending upon a higher loan rate for income protection reduces some of the ability to market the product and causes us to lose some sales.

Another method of income protection which I think would be preferable and is included in the provisions of my bill, H.R. 12798, provides that if and when a surplus of soybeans is produced, the Department will buy that quantity of soybeans and place it in bins where it is most readily available to possible customers. The loan could be \$2.25 per bushel with this additional income protection provided, and the market would operate much as if that reserve supply had never been produced. Under H.R. 12798, the beans in the reserve would not be sold until there is enough of a shortage that they can be sold for at least \$2.90 per bushel.

There is a third method that could be used and that is to give a direct payment of perhaps 25 or 50 cents per bushel to every producer of soybeans and let the

market seek its own level. I think it is impractical to consider this method because 25 cents per bushel would cost \$250 million per year and that kind of money is not available now.

Since having an adequate supply of soybeans is beneficial not only to farmers to prevent substitutes from nosing out soybeans but also is beneficial to the first users of soybean meal in livestock and poultry production; second, our balance-of-payments problem; third, people in the processing and transportation industries; fourth, furthering our foreign policy goals; and fifth, all of the 190 million consumers in the United States, 99 percent of which use soybean products in one way or another, I believe it is in the national interest both to have an increased acreage of soybeans and to protect the producers of these soybeans against an inadequate return for producing the extra soybeans. Farmers will receive much of this protection with a \$2.50 loan but I think they would receive more protection with less interference with the market under the method provided in H.R. 12798.

I also firmly believe that if we sit idly by and say, "do nothing," substitutes will secure a part of the soybean market and we will be giving away the best chance we will have for a long time to use our productive idled acres to produce income.

WHAT IS WAR?

(Mr. POOL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. POOL. Mr. Speaker, in January of this year I introduced a bill, H.R. 12047, which in short would make punishable the giving of any money, property, or thing to any hostile foreign power acting in opposition to the Armed Forces of the United States, and makes punishable the obstruction of the movement of military personnel or transportation. The press has brought to our attention the fact that a number of persons and organizations in the United States—of whom most appear to be Communists or adhering to Marxist dogma—were soliciting or forwarding money and "medical aid" for North Vietnam and were obstructing the movement of our troops. This fact prompted the introduction of my bill.

Since offering the bill, I have received many communications from members of my constituency, and others, who have expressed wholehearted support for the objectives and purposes of my bill. However, there are indeed a few sincere persons who seem to be confused as to their duties and responsibilities when this country is at war. One basis for this confusion appears to derive from the fact that no technical state of war has been declared against North Vietnam. I have, for example, recently received an inquiry from a resident of Texas who wrote, in part, as follows:

Individuals who send plasma, etc., to North Vietnam, no matter how morally reprehensible they may appear to you or me, are exercising a personal choice. In the absence of a declared state of war, I fail to see why a legal restriction should be placed on them.

This correspondent, in judging the propriety of legal restrictions against aid to one's enemies, apparently make his determination on the basis of whether a formal or technical declaration of war has been made. Frankly, I do not see the validity of any such distinction. When our Armed Forces are actually engaged in hostilities abroad, whether certain conduct of citizens of the United States as harmful to our Nation and its people should be determined independently of the question whether a legal status of war has been declared. Nevertheless, the view of this constituent makes evident the confusion surrounding the issue.

This confusion arises in large part, I believe, because of terminology. What is war? The term "war" has been used principally in two senses. The common, nontechnical usage is that which is descriptive of objective events, such as a contest of armed public forces between States. International law, on the other hand, war is a "term of art." In this latter sense, war is principally a juridical concept, resting on certain formalities, and is descriptive of a certain legal relation which exists between and among states which arises out of what Gentilis, an early scholar on the subject, described as "a properly conducted contest of armed public forces."

We need not debate the adequacy or validity of any particular definition, except to point out that a nation is not at war in the technical sense unless its political or legislative department, having the power to do so, announces that fact. In the absence of such a declaration, even though the armed public forces of a nation are actually engaged in hostilities with another nation, and a war is hence in fact taking place a nation is not technically at war. Conversely, a nation may be legally at war even though there is no contest of armed public forces if a declaration of war is in effect and has not been officially or legally terminated. Hence, whether a nation is technically at war with another is principally a subjective test, depending upon the declared policy of the nation concerned.

When a nation is technically at war, certain serious consequences ensue, in accordance with the principles and usages of international law. Some of the immediate effects of a technical state of war are to suspend all nonhostile intercourse between those states which are parties to the war, to suspend the ordinary nonhostile intercourse between the citizens of those states which are parties to the war, to introduce new principles in the intercourse between the states which are parties to the war and other states, to impose new duties upon neutrals and allies, and to modify the operation of certain treaties or to bring into operation treaties concerning the conduct of hostilities.

Since a technical declaration of war thus sets in motion certain usages and legal consequences in relation to the warring states and other nations and neutrals, some of which have been above set forth, it is apparent that a nation may not choose to set all such usages in motion or to create all such legal con-

Our soybean programs of the past few years have consisted mainly of a loan of \$2.25 per bushel and withdrawing so much land through the feed grains, cotton, and wheat programs, that the expansion in soybean acreage was reduced. By setting aside the diverted acres and conservation base acres, participants in those programs could not shift land to soybeans at the same rate that they normally would have. As long as the supply is adequate without using any of this acreage, it causes little concern; however, the time has now come when we should carefully examine the whole soybean acreage situation from the standpoint of what is good for soybean producers and livestock feeders and also what is fair to participants in the other programs.

In determining what actions we should take relative to soybean production, I believe we should first fully recognize the peculiarity of soybeans as a commodity compared to other basic crops. While corn, wheat, and rice each have limited acceptability in limited areas of the world, soybeans are a high protein product in great demand all over the world. They provide protein that is cheaper than meat and is not resisted for religious reasons. Forty percent of the soybeans produced in the United States last year were marketed overseas while a much smaller percentage of other crops is sold overseas. Soybeans are not processed and consumed on the farm; therefore, marketing of them depends upon good transportation facilities and them being in the right location when a sale is available. Ninety-five percent of all of the soybeans shipped between countries of the world were produced in the United States. At the present time we enjoy being the world's storekeeper for soybeans.

While to some extent we seized this advantage by accident, we do not want to lose it. Other countries are willing for us to be the major supplier of soybeans and have indicated such by not having any tariff on soybeans. While most of them have tariffs on other crops to encourage higher local production, they seem content to depend upon us for soybeans, provided we are able to supply their needs every year. If they depend upon us for soybeans and are unable to secure them, they will find another source such as China or they will raise the tariff to encourage local production of soybeans, or they will encourage the production and importation of substitutes for soybean products. Unless we have both a supply and a price which is competitive with substitutes, we will lose existing soybean markets instead of gaining new ones.

A year ago we only produced about 700 million bushels of soybeans and this proved to be at least 100 million less than our customers wanted. In 1965 we produced 135 million more bushels than in 1964 and sold them for about the same price per bushel. This proved again that the price will only average about \$2.65 regardless of how short the supply is. When we only had that 700 million bushel crop, many of our cus-

tomers turned to substitutes such as urea, fishmeal, and olive oil. People interested in broiler production in Belgium and France told me at the meeting of the Council of Europe that they had to substitute other protein products in some of the broiler rations, that they found the substitutes very satisfactory, and that they are now likely to continue using those substitutes. They are building up a broiler industry and want soybean meal in the formula but whenever substitutes replace soybean meal as a result of a short supply situation, they tend to quit depending upon us for that amount of meal in the ration. That shortage has spurred the development of a substitute protein supplement composed chiefly of urea and alfalfa meal and expansion of fishmeal processing. In other words, a temporary shortage of soybeans becomes a permanent loss of market.

Some say let us have a shortage— maybe they will sell for \$3 or \$4 per bushel. The fact is that there is a ceiling price now which is set by factors beyond our control. The effective maximum price for soybeans is approximately \$2.90 f.o.b. track Chicago. Whenever soybeans go above that price, customers turn to substitutes or quit buying. When prices went over that level recently Japanese buyers purchased from China and others turned to substitutes. Enough buyers leave the market at this point that the demand is reduced; therefore, ceiling prices are not determined alone by the supply of soybeans in the United States but are also affected by the price of dozens of good substitutes. Let us not bury our heads in the sand like the dairy people did when they pretended there were no substitutes for butter. There are good substitutes for both soybean meal and oil.

In March, the Department estimated that 37.1 million acres of soybeans will be planted this year with 36 million acres being harvested and that they will produce 882 million bushels of soybeans. To secure that high a total production, there will have to be an average yield of 24.5 bushels per acre and that is considerably above the average of the past few years. Since acreage is being reduced in the best soybean production areas of the Midwest while it is being increased in the low-yield areas of the South and East, many people estimate the average will be no more than 23½ bushels per acre and that the total production will actually be no more this year than it was last year.

Since the reduction in cotton seed due to the reduced cotton acreage will be the equivalent of 45 million bushels of soybeans, we must have a real bumper crop in 1966 in order to provide enough soybeans for our usual customers. Unless acreage is increased next year we cannot even increase exports of corn unless our customers find some substitute protein supplement to balance with the feed grains because enough soybean meal will not be available. Rice and wheat allotments are being increased and at least 300,000 acres that produced soybeans last year will be used for these increased allotments of rice and wheat. In view of

the above statistics it is a farce to talk about a soybean reserve, including soybeans in a meaningful food-for-freedom program in 1966, or keeping our customers supplied. For these reasons no one should doubt that an increased acreage of soybeans will be needed in future years. The question is, Where shall these acres come from?

Except for the acreage that could be shifted from corn or cotton, the principal source of acreage for soybeans is conservation base acres, diverted acres, and new land being brought into production. Most everyone now agrees that shifting allotted acres from corn and cotton to soybeans is about out of the question because a price that would make soybeans more profitable than corn or cotton would be high enough that substitutes would replace the market for the soybeans at an alarming rate.

Diverted acres total about 46 million under various programs and about 35 million of those acres are under the feed grains program. Some farmers would take a reduction in their Government payments if they could produce soybeans on some of these acres. Of course, many of these acres are also not suitable for soybean production. Most of them are located in the corn-soybean area.

Of the conservation base acres that are suitable for, and could be released for soybeans, most are in the corn area because there were no conservation bases established for most other crops until last year. By 1965, the acreage farmers under the cotton program had diverted to conservation crops was reduced compared to 1959. As cotton acreage declined, they shifted toward soybeans and high-production crops. Although there has generally been a shift in farming methods away from conservation crops, participants in the feed grains program have not been permitted to make this shift. A high percentage of the conservation base acres that could shift to soybeans are in the Corn Belt.

Most of the new land coming into production is outside of the good corn area. Some is land that was in pasture in the South and some was on dairy farms in areas where the climate is not suited for corn production. Beef cattle diseases and other problems have proven so great in the warm climate areas that the trend is away from the cow-calf program where soybeans can be raised. Dairy farmers who were pasturing flat land outside the Corn Belt are also shifting to soybeans. Some other land being brought into production was in scrub timber or swamps in the South. Most new land that can come into soybean production is outside the Corn Belt.

I believe it is clear to see that unless either conservation base acres or diverted acres are released to provide some of the increased soybean acreage needed, most of the new acreage will be outside the Corn Belt. Unless conservation base acres or diverted acres are released as needed, Iowa and the corn area will not receive anything like a fair share of the increase in the soybean acreage.

Another problem with which I am concerned is, How do we prevent farm-

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sequences by declaring a technical state of war even though it is actually engaging in war.

Indeed, while it is common knowledge that both the United States and North Vietnam are actually engaged in war, it is a curious fact that neither the United States nor North Vietnam has declared war. However, as I shall note, the United States has adopted a policy of not declaring war for reasons different from that which has prompted North Vietnam to adopt the same course.

The President of the United States has carefully refrained from seeking a formal declaration of war against North Vietnam. We are, however, openly assisting South Vietnam in resisting aggression. The United States does not seek to conceal the fact that it is employing its Armed Forces for that purpose. The reasons for not declaring a formal state of war were recently made explicit in a State Department position paper, dated November 19, 1965, which was prepared by the Department of State at the request of the Senate Committee on Foreign Relations. Among the reasons for making this choice, the State Department set forth that it sought to avoid "unnecessarily enlarging the scope of the conflict," and to improve the prospects of an early peaceful settlement. I think that this was a reasoned choice and was undoubtedly made with a view toward promoting the best interests of this Nation and world peace.

On the other hand, North Vietnam has also carefully refrained from a declaration of war against either South Vietnam or the United States; but, as I repeat, for other reasons. North Vietnam has not declared war in an attempt to conceal the fact that it is committing aggression against South Vietnam. Although North Vietnam is engaging in actual war against South Vietnam, a public admission of this fact, which would be the result of a formal declaration of war, would not accord with her policy of stealth and subterfuge.

The Communist strategy—based on the Communist tactical doctrine of so-called wars of liberation—is to expand the area of Communist conquest by the deceit and subterfuge of making the conflict in South Vietnam appear to be an internal revolution or civil war, rather than an international war between the State of North Vietnam and the State of Vietnam. The aggression from North Vietnam has been, and is being, accomplished by clandestine techniques—the secret infiltration of troops and revolutionary cadres into South Vietnam, and the organizing, equipping, and financing in secrecy of Communist cadres within South Vietnam.

By seeking to create an illusion that a civil war is taking place in South Vietnam rather than external aggression, they hope to make it difficult and impractical for South Vietnam to gain support from other nations. They also hope to make it difficult for other nations, who would come to South Vietnam's assistance, to gain support from their own people for intervention in aid of South Vietnam. This was clearly explained by our able Secretary of State in his state-

ment before the Senate Committee on Foreign Relations of February 18, 1966, Secretary Rusk said, in part:

The North Vietnamese regime has sought deliberately to confuse the issue by seeking to make its aggression appear as an indigenous revolt. But we should not be deceived by this subterfuge. It is a familiar Communist practice. Impeded in their efforts to extend their power by the use of classical forms of force such as the invasion of Korea, the Communists have, over many years, developed an elaborate doctrine for so-called wars of national liberation to cloak their aggression in ambiguity.

A war of national liberation, in the Communist lexicon, depends on the tactics of terror and sabotage, of stealth and subversion. It has a particular utility for them since it gives an advantage to a disciplined and ruthless minority, particularly in countries where the physical terrain makes clandestine infiltration from the outside relatively easy.

At the same time the Communists have a more subtle reason for favoring this type of aggression. It creates in any situation a sense of ambiguity that they can exploit to their own advantage.

In employing the Armed Forces of the United States, the President has acted with the authority of that branch of the Government which is empowered to declare war. Article I, section 8 of the Constitution of the United States gives to Congress the power to declare war. In adopting the southeast Asia resolution, approved August 10, 1964 (Public Law 88-408, 78 Stat. 348), the Congress of the United States expressly authorized the President of the United States to use the Armed Forces in assisting any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom. This resolution was adopted by a combined vote of 504 to 2.

This resolution makes clear that while the Congress did not use the precise words "declare war", the Congress has nevertheless authorized the President to engage in actual war. A rose by any other name is still a rose. The resolution was adopted in the manner and form required of a declaration of war by that branch of the Government having the power to declare war. While thus giving the President a mandate which authorizes him to undertake war, the Congress acceded to the policy of avoiding the consequences in international law which would ordinarily flow from a recognition of a formal status of war.

Moreover, in employing the Armed Forces of the United States the President—and the Congress—were fulfilling the commitments of the United States to which our country had bound itself by the Southeast Asia Collective Defense Treaty and Protocol thereto, of September 8, 1954, by which we agreed to act in the event of aggression against South Vietnam. By the terms of that treaty it was explicitly agreed that—

Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes.

Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

It is important to recall that this treaty was adopted in accordance with the terms and provisions of the U.S. Constitution. By virtue of article VI of the Constitution, a treaty is declared to be "the supreme Law of the Land." Thus, as in the case of any law of this land, all of our citizens are bound to give support to this treaty and to abide by it. It is a duty and obligation of citizenship to support the Government of the United States as it acts to comply with that treaty.

Our soldiers are fulfilling their duties in support of their Government. They neither have nor claim a freedom of choice as to where or when they shall serve. It is intolerable to think that any citizen has the right or freedom of choice to endanger the life, or to increase the burden, of any one of our boys in the armed forces by strengthening his enemy. Moreover, to permit freedom of choice in either instance would result in anarchy. It would make impossible the execution by our Government of its constitutional duties and would seriously impair, and possibly destroy, our constitutional processes. It would be a betrayal of our Nation. I therefore think that the restrictions that are sought to be imposed against rendering of aid and comfort to North Vietnam are wholly justified.

THE DAY THE CIRCUS CAME TO WASHINGTON

(Mr. CAMERON asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CAMERON. Mr. Speaker, quite recently a vast majority of House Members earned for themselves the dubious distinction of being duped en masse. Of course, anything can happen in an election year, and I am now convinced that this political rule of thumb holds just as much for the House as it does for the hustings. Nevertheless, this case history of how the House got hoaxed bears telling if only to demonstrate that histrionics and the legislative process are not mutually exclusive.

This extravaganza occurred one rainy April afternoon when House Republicans decided to stay indoors and stage a little demagoguery for the gallery audience. The curtain went up with our great Chamber ringing with plaudits and praise for the Subcommittee on Agriculture because it had restored the administration's proposed cuts in the school lunch and milk programs. It was warranted praise.

Having long been a critic of the gigantic farm subsidy program, I saw no reason why two worthwhile programs in the whole mess should be the first to get the President's economizing ax when so many other programs deserved the real hatchet job. As I stated at the time the milk and lunch cuts were proposed:

If our country is wealthy enough to continue pumping billions into farm price sup-

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port schemes, it is also wealthy enough to continue providing good nutrition for school children.

The other farm programs which really deserved slashing in this year's agriculture appropriations bill were such uneconomical and costly subsidies as the food grain, wheat, cotton, and tobacco programs. Every time the Congress votes to extend and expand the Nation's agricultural program, the taxpayer, small farmer, and consumer reap the detriments. Only the large corporate farmers reap anything beneficial; indeed, the Federal Government's artificial price supports have helped enlarge corporate farms. It is this aspect of the farmer's growth that gives me cause for criticism. As I said in the summer of 1965:

I certainly have no objection to farms becoming larger and larger if they grow within the context of the free enterprise system and if such growth is in response to reasonable laws of supply and demand. But I cannot sanction the corporate farm growing ever larger through the artificial support of the Federal Government. In my judgment, an entrepreneur capable of producing such quantity should also be capable of adjusting to the competitive market and doing without the largess of the Federal Government.

There is one heavy subsidy to the big growers that offers a particularly poignant paradox. It is incongruous to me why our Government pays to subsidize the production and use of tobacco on the one hand, and then reaching for a mint with the other hand, authorizes a warning about the health hazards attendant to smoking. This grotesque governmental game between public health and private happiness recalls to mind a poem that perhaps sums the whole thing up:

Tobacco is a dirty weed. I like it.
It satisfies no normal need. I like it.
It makes you thin; it makes you lean;
It takes the hair right off your bean.
It's the worst darn stuff I've ever seen.
I like it.

But if the poorly conceived structure of price subsidies was the real issue to be debated, House Republicans proved themselves a sporting lot and gamely dodged it. Instead they focused their fiery forensic on the President and his budgeteers for daring to reduce the school milk and lunch programs, insect and disease control programs, soil and water conservation programs, the crop insurance program, and the rural electrification and telephone loan programs. In the process, they conveniently forgot avowed Republican promises to cut every appropriation bill this year by at least 5 percent: a policy the GOP has paraded until the mind is weary contemplating it. This across-the-board cut is necessary, Republicans charge, because inflation is rampant in the marketplace and the administration does nothing to cut back on domestic spending. Yet, in the case of agriculture, when the administration purposely prepared a diet to fight the battle of the bulge and the distinguished chairman of the Appropriations Committee cut back the President's original request by over \$113 million, the GOP spared their 5 percent rod and spoiled the farmer. Instead, Republicans favored restoring funds for the

programs they thought had general approval in the traditionally GOP farm belt. Votes and vitamins, we learned, are not dissimilar. As the Los Angeles Times summed it up:

On the Republican side *** the dikes washed out on a proposed strategy to cut every appropriation bill 5 percent. GOP House members announced the plan April 6. But when Agriculture appropriations came up, the GOP, traditionally mindful of farm communities, found the going too tough.

Besides an "amen" I would add that the domestic realities of an election year always seem to have a sobering effect on so-called Republican thriftiness.

If press and spectators thought that the pachyderm pantomime was finished for the day, they had a surprise in store. The circus had just started. From the back of the Chamber somewhere arose a merry-faced mahout announcing that he had an elephant trick to show the House. The Republican gentleman from Illinois (Mr. FINDLEY) offered his trick in the form of an amendment designed to be a real crowd-pleaser.

His amendment, we soon learned, would prohibit the sale of U.S. surplus agricultural commodities under the food-for-peace program to nations which sold or transported goods to North Vietnam so long as it remained Communist.

At first glance, this amendment certainly seemed like a reasonable means to reach a very desirable end. The administration, Congress, and the American people are all anxious to prevent the enemy from receiving the supplies it needs to wage war against our fighting boys. But perhaps the Illinois gentleman had a different goal in mind when he proposed his abrupt amendment. He obviously knew that in this election year, it would be very difficult for an incumbent to face his constituents, having voted against such a "patriotic" proposal. His prediction was very accurate, and the amendment soon passed 290 to 98. By the time a final vote was taken on the amended bill, the dissenters had dwindled to 23, myself included, and I could not help muttering what Ovid once said long ago:

While fortune smiles you'll have a host of friends; but they'll desert you when the storm descends.

All of the original dissenters were Democrats and as they plodded down to the well to change their votes from a forthright "nay" to a safe "yea," the Republicans sat on the sidelines trumpeting triumphantly and cheering wildly. The circus had indeed come to the Nation's Capitol.

Was the North Vietnam amendment worthwhile? Surely we would expect its sponsors to think so, but when we turn to the record we can not help noticing that the gentleman from Illinois voted against the amended farm bill. Though a critic's first judgment would be that the gentleman was just clowning, my judgment would be that the gentleman saw the farm bill for what it really was—agrarian aggrandizement by legislative largess—and accordingly voted against it despite his own amendment. As he said during the debate:

This appropriation bill contains a number of items which are attractive and very popular, but we should not lose sight of the fact that it also contains a number of items which, if they knew the full story, the taxpayers would find difficulty digesting.

Indeed, it is no secret that my colleague has offered consistent opposition to the farm giveaway programs over the years with an enviable eloquence that be-speaks a genuine horror. Even his own "get tough" amendment could not alter the honorable gentleman's farm stance. Why?

Mr. Speaker, let us delve for a minute into the alleged merits of the gentleman's amendment, so that we can see what it really means. Presumably, the intent of this proviso is to decrease the flow of supplies and equipment to North Vietnam.

As a member of the Foreign Affairs Committee, I have been actively concerned with promoting this objective for some time. It is my duty to report that the effectiveness of the administration's campaign to accomplish this goal through diplomatic channels has been remarkably successful and should be recorded for all to see.

In 1964, excluding Hong Kong, the monthly average of free world ship calls to North Vietnam was 35. In the last quarter of 1965, through continual diplomatic pressure, this figure dropped to a monthly average of 15. And most recently, the number is down to an average of about 12.

Most of the ships trading with North Vietnam are under British registry in Hong Kong but owned by non-English parties—in some cases Communist. For the most part, they ply between Hong Kong and Vietnamese ports carrying such nonstrategic items as textiles, food-stuffs, soft coal, and fertilizers. It should especially be emphasized that British-owned vessels registered in the United Kingdom are either now withdrawn or being withdrawn from this trade when the charter terms elapse.

Mr. Speaker, since this subject was not debated in the House that astonishing afternoon, it was never determined which nations receiving U.S. food-for-peace aid would actually be affected by the amendment. Though the House then chose to ignore the facts with a vengeance, it later became apparent that the ships from such countries would merely have to change their registration papers and fly another flag to dodge the provisions of the amendment. Not only that, but the amendment purposely leaves untouched that part of the food-for-peace program which permits us to give food supplies as an outright gift. Thus, the amendment's utter ineffectiveness became embarrassingly obvious. Moreover, there remained the distinct possibility that certain aspects of our overall foreign policy would be jeopardized by such a patently pointless proviso.

Take for example the ill-nourished, ill-starred democracy of India. If she comes even close to meeting her near-famine conditions it is only because of our food-for-peace program. Speaking of the amendment's possible effect on India, my

distinguished colleague from New York [Mr. BINGHAM] warned:

We cannot expect a nonaligned country such as India to take action in support of our military efforts in the Vietnam conflict. Yet this proviso represents a kind of blackmail in an effort to force all countries receiving our agricultural commodities to do just that. It may be that India is shipping nothing to North Vietnam, or only an insignificant amount. In that case, the proviso would only cause embarrassment to the government of Mrs. Gandhi, which might well find it impossible to answer a question in Parliament whether it was going to "knuckle under to American pressure" by legislating against any shipment of Indian goods to North Vietnam.

Another country which might well have fallen under the Illinois gentleman's amendment was Greece, our NATO ally and a recipient of our surplus food supplies. Although a few privately owned vessels, operating under long-term Greek charters, are trading non-military goods at North Vietnamese ports, it is very significant that the Greek Government has issued regulations making it unlawful for their ships to carry cargo to or from North Vietnam.

I emphasize that this restrictive action was taken by the Government of Greece before—not after, but before—the House took up the agriculture bill and its ill-advised amendment. It is no coincidence that the governmental decree and American diplomatic efforts took place at the same time. Fortunately, we used the power of diplomatic persuasion and not the bludgeon of legislative coercion which my Republican colleague had in mind. Assume, however, only for the sake of discussion, that Greece had not cracked down on trade with North Vietnam.

As chairman of the House Republican Committee on NATO, this situation would have presented the gentleman from Illinois with a particularly embarrassing dilemma. His views on NATO countries are quite well publicized and widely known. The following excerpt from a speech about France gives some idea of his overall view:

NATO is not a government and never has been. It is an Alliance of independent nations, with each of them—France included—to pursue its own independent policies.

In my judgment, it would not be too much to expect the gentleman from Illinois to treat all NATO countries alike when advocating autonomy in decision-making. Still assuming that Greece had not outlawed traffic with Hanoi, would the gentleman agree that what is good for France should certainly hold for Greece? His amendment clearly states that among NATO nations some are more equal than others.

My colleague's overweening concern for France is surely an irony of impressive proportions. It is an established fact that France does her fair share of trading with North Vietnam. It is also a fact that France does not now receive U.S. aid in the form of surplus food-stuffs, and, therefore, is not affected by the gentleman's amendment. It would seem reasonable to me that if one is to

practice what one preaches, he would wish to initiate action to prevent our very important and allegedly friendly ally, France, from shipping goods to our very important and unfriendly enemy, North Vietnam.

But the deed has been done, at least on the House side. I can only hope that the Senate will quietly remove this absurd amendment from the agriculture appropriation bill and avoid another circus comedy. After all, the ringmaster and his entourage are only supposed to come to town once a year. The sooner we legislators can begin to argue the real merits and demerits of the agriculture program, the more appreciation we will deserve from the American people.

I am sure my 22 dissenting colleagues are content in the knowledge that they refused to be driven down the path of political expediency by the shrill sophistry of a circus mahout.

"STABLE MONEY: A CONSERVATIVE ANSWER TO BUSINESS CYCLES"

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I am very pleased to call attention to a new book entitled "Stable Money: A Conservative Answer to Business Cycles." This book was written by W. E. Turner, a longtime personal friend whom I admire and respect. An additional source of gratification comes, of course, from the discovery that this book is dedicated to the late Senator Robert L. Owen and to me, and that much of it is devoted to a historical retracing of steps made in part by us.

It has long been my belief that one of the most fundamental and urgent needs is improved public interest in and understanding of our Nation's monetary and fiscal policies. So I would naturally find special significance in a work by one who is seeking primarily, as he says, to bridge the gap between the typical businessman's interest in workaday financial considerations and his comprehension of broader national economic policy.

No less pleasing to me is that the author finds essential accord with those of us who have so long waged the fight for monetary reforms, and a money system which prevents both deflation and inflation. In his own way, Mr. Turner disposes quite effectively of certain threadbare foundations of the "sound money" school—like the sanctity of balanced budgets, "gold backing" for our money, the "panacea" of high-interest rates, "borrowing" at interest from the Federal Reserve, the supposed safeguards of creating debt to correspond with our money, the assumed "inflationary" character of any Government-created money, the alleged virtues of an "independent" central banking system, and so forth.

Here is a plea for a monetary-fiscal system capable of preserving economic stability with optimum growth—and it comes to us free of partisan viewpoint. The author credits the "new economics" with its very real successes—its opening the way to unprecedented prosperity, its breakthrough against the pressures and

prejudices which would keep tax policy subservient to balanced budgets. At the same time, the unmet challenges are detailed—how to sustain full employment of resources without inflation, how to measure tax changes to avoid both "inflation overkill" and "economic overheat," how to bring monetary policy into meaningful accord with national economic objectives, and how safely to "create" money as needed for economic growth without building ever-greater national debt.

In tracing the history of efforts to bring about a safe-and-sane money policy for America, Mr. Turner pays deserved tribute to Senator Owen, the true giant of monetary theorists. It was my great privilege to know and work alongside Senator Owen for many years while he, though no longer a Member of the Senate, remained on the scene to make largely unheralded but mighty contributions to monetary thinking until his death. The venerable Senator from Oklahoma was chairman of the Senate Banking and Currency Committee when the Federal Reserve Act was adopted in 1913, having authored an earlier version of that act. Throughout the Great Depression and World War II, Senator Owen tirelessly availed himself of every opportunity to offer his wise counsel to the President, the Congress, and the Nation. That his advice on the more vital issues went largely unheeded, Mr. Turner believes, should not deny him a prominent place in our Nation's history books—especially since his towering contribution may one day soon help light the way to a truly sound money system.

Naturally I hope for wide readership of what Mr. Turner has to say. Although I can hardly be regarded as an impartial reviewer, I do nevertheless take this means to express the belief that it will be found significant and interesting to students in many walks of life who are seriously seeking answers to our Nation's most fundamental economic problem. Most of all, I share the hope that the "conservative businessman," with whom the author identifies and to whom he primarily speaks, will take notice.

America cannot afford another serious economic setback. As President Johnson has properly observed, recessions are not inevitable. In these pages can be found a rich reservoir of information and opinion which, hopefully, can open new doors to monetary-fiscal measures capable of sustaining our high level of prosperity without inflation.

WHAT THE BOOK IS ABOUT

In this book, Mr. Turner contends that "we have reached the age of potential plenty but have yet to release ourselves from the bondage of an inadequate and inappropriate money system." Let me quote some excerpts:

American history is an unhappy series of booms and busts. President Johnson calculates in his 1966 Economic Report that Americans spent over 40 percent of the last century in recession or worse, and nearly 20 percent of the prosperous postwar years undergoing four major recessions. Except for brief intervals when by chance some reasonable balance occurred between Gross National Product and effective purchasing power—and this never actually a full pro-

duction level—Americans have been needlessly denied the security of full employment and the material wealth they stood ready to provide themselves.

Mr. Turner readily acknowledges that he is proposing a form of "flat money." But he quite properly notes that meaningful distinctions exist between his proposed "stable money" and the many crackpot notions for monetary reform which have abounded throughout American history. The labels "paper money," "unsound currency," and "printing press money" no more characterize the proposal here than the existing so-called sound money.

"Stable money" offers a means for neutralizing money so that it may perform efficiently the sole function for which it exists. As Mr. Turner states it:

We are proposing a system for regulating money in order to avoid having to regulate economic enterprise.

The author contends that the "new economics" has shown us the way to achieve prosperity at very high levels; yet to be demonstrated is the capacity to maintain prosperity. Economic stabilization at full growth potential, he contends, is the most urgent necessity facing our Nation.

Three basic questions which this work treats are:

First. How can peak prosperity be perpetuated without yielding steadily to the pressures of inflation?

Second. How can we maintain prosperity at home without developing imbalance in our international payments?

Third. How can we safely "create" money—to finance the necessary budgetary deficits—without building an eventually unmanageable national debt?

Economic stabilization, he says, requires that we achieve optimum prosperity with overall price stability and with international payments equilibrium and with debt-free money. Excerpts:

If peak prosperity is within our grasp, and the tools exist for perpetuating it, why does the goal of economic stability still elude us?

First, we have not adapted or refined our monetary and fiscal tools to the role of ensuring stabilization. Both are oriented to other objectives...

Second, domestic economic policy, under the present system remains essentially subservient to external (international) pressures...

Third, except through Government debt, we presently have no means of creating enough money to facilitate the orderly exchange of goods and services on the market.

It is these issues with which the book deals. Additionally, there is offered here a great deal of the history of efforts to bring a sensible money system to America, together with a detailing of the immense costs in all areas of our lives which result from our failure at having done so.

MONETARY-FISCAL POLICY CONFLICT

On the subject of adapting our monetary and fiscal tools to the role of stability, Mr. Turner notes conflict between a fiscal—tax—policy which is under administration control while monetary policy remains under a so-called independent agency. As a result, he says:

Contradictory directions are more nearly the rule than the exception.

Though cooperation is regularly declared, coordination between fiscal and monetary policy is highly limited; moreover, the very theory of Federal Reserve Board independence implies that contradictory directions are intended and desirable. In reality, the only objective served by this arrangement is an unfortunate one: the Executive Branch and the Federal Reserve can each blame the other for the all-too-regular booms and busts.

BALANCED BUDGETS VERSUS BALANCED ECONOMIES

In dealing with the problem of providing stable-value money without necessarily tying it to debt, Mr. Turner notes that balanced budgets are out of the question in the future because, we have learned, they are a certain route to recession or worse. He believes the imbalance in both our Federal budget and our international accounts are symptomatic of the deeper money issue.

The time is at hand when in our national interest we must unlearn some of the fundamentals of yesteryear—foremost among which is the supposed keystone of sound government: that nations must balance their budgets. The pill which conservatives will find hardest to swallow is that governments, unlike families, can safely run deficits without adding to the national debt. Any time families live beyond their income they are living beyond their means. Not so with nations. The only time a nation is living beyond its means is when it is experiencing inflation.

Mr. Turner holds that fear over the constant building of debt, though sound for the most part, has confused our goals and denied us a sensible governmental program aimed at economic stability, saying:

If we can find the safe means to monetize a nation's unused capacity to produce real goods and services, and in that way increase the national wealth, then we can forget about debt. The purpose of money being to stand-in, as it were, for real goods and services, there can be no inflation and need be no added debt if only that money is created which is needed to balance off real wealth. When the quantity of money is gauged to the function of money, we can stop worrying about whether the government is spending money it did not get through taxes or debt, or even whether the money is backed by gold or silver or other so-called hard currency. Then we can move ahead to an era of uninterrupted prosperity and growth.

It being the acknowledged responsibility of a government to create its medium of exchange in the first place, there no longer exists any sound reason that the money it creates must be based on debt. A government can and should create whatever money is required for efficient interchange of goods and services. It is creating too much only when the result of it is inflation—and not necessarily when it is going further into debt by failing to balance the budget. It is creating too little whenever there is national deflation—regardless of whether or not the budget is in balance.

FREE ENTERPRISE AND STABLE MONEY

To restore the precarious balance between production and purchasing power today we are compelled to sabotage our productive potential, to engage in wasteful wars, to build impossible debts, to suffer depressions. With disheartening regularity we undermine the very security in the name of which we undergo such grave suffering.

All efforts so far toward formulating a policy permitting purchasing power to equal production at whatever level possible have been rejected in favor of a policy of restrict-

ing production to effective demand. Though the mythical man from Mars might think so, this is not a diabolical plot on the part of secret enemies high in government for destroying peace, prosperity and plenty. On the contrary, it is heatedly defended as the only way to leave intact the free enterprise system which can be so superior in turning out goods. . . . The crying need is to provide a money supply measured to strike a balance between effective purchasing power and all-wanted goods and services on a stable price base. . . .

Time is running out for the free-enterprise capitalistic system under the present unfortunate money arrangement. Its survival may depend upon whether conservatives are willing to acknowledge our problem and open their minds to new imaginative solutions at long last. . . .

A nation can afford anything it can produce. It is not necessary to permit periodic breakdowns in the productive forces simply because there are more goods on the market than consumers can purchase at stable prices.

Yet, paradoxically, our nation shows its greatest strength only when heavy deficit financing distributes purchasing power in excess of real goods and services on the market, usually in wartime. Hence we fear that curbing inflation will bring on sluggish growth or even depression.

However sound the objections to fiat money of yesteryear, all have been rendered invalid by time and circumstance. Today we have no alternative to some form of fiat money. The only question is whether it be of a quantity and quality as to serve well the national interest.

It is the purpose of this book to provide one means by which, through proper and safe government control of money, we can halt the trend toward government control of our economic and political lives.

Mr. Speaker, no one would agree with every word written in this book, but it is a volume which should be on everyone's required reading course.

CREDIT UNION BLOOMS IN CALIFORNIA DESERT

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, last year the Twentynine Palms, Calif., Marine Corps Base decided to liquidate its credit union. However, before the liquidation was completed, the base commander, Brig. Gen. V. W. Banning, took an interest in the credit union and decided, rather than liquidating the self-help project, he would charter a new course for the credit union.

In previous years the credit union had operated from a noncentral location, had received little publicity, and did not have the necessary command support. General Banning felt that given the necessary ingredients for a successful operation, the credit union could go a long way toward solving the financial problems of Marine Corps personnel stationed at Twentynine Palms, an isolated desert community some 125 miles south of Los Angeles.

Under General Banning's guidance, the credit union was reformed with a new board of directors and officers, quarters were obtained in a central location, the base newspaper engaged in an active information program on the work of the

May 23, 1966

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I suggest that a "Patriot's Parade" be held here in Washington on the Fourth of July. I believe the President of the United States should himself proclaim this parade so that civic groups, both local and national, the armed services, and others dedicated to our country and its ideals can get busy organizing it. The President should direct the Defense Department to include marching units and bands from all branches of the service in the "Patriot's Parade" and related ceremonies.

This event should be a good, old-fashioned American traditional observance of the Fourth—with bands, marching units, patriotic displays, and patriotic speeches. I hope the President would take part as leader of the speakers. I feel such an event would attract considerable attention and would serve as an opportunity to reiterate our Nation's principles and recall its heritage.

The suggested Presidential proclamation and initiative would be most welcome to millions of our citizens in launching what I believe is a needed re-venture in basic faith.

Such a "Patriot's Parade" held here in Washington, at the heart of the Government, would let Americans in Vietnam know that the people of our land are behind them. It would reaffirm to ourselves and to the world that America still stands determined and united on the proposition that we shall have a more perfect Union which does establish justice, insures domestic tranquillity, provides for the common defense, promotes the general welfare and secures the blessing of liberty to ourselves and our posterity.

We have heard too much of dissent and not enough of service and patriotism.

A parade in support of America's national goals, ideals, faith, dedication, and patriotism is signally important this year and the significance of the Fourth of July makes it a most desirable occasion to have this rally.

CONGRESSMAN HORTON WELCOMES DELEGATION FROM WURZBURG, GERMANY, SISTER CITY TO ROCHESTER

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HORTON. Mr. Speaker, my home community of Rochester, N.Y., through its public and private agencies, is making a mighty contribution to international understanding. Evidence of that fact surrounds us here today in the presence of a 20-member delegation from Rochester's sister city, Wurzburg, Germany.

It has been my pleasure to be the host for Dr. Helmuth Zimmer, mayor of Wurzburg, and the members of his visiting party. They are here in Washington today on the last leg of their visit to the United States.

Last week, the Wurzburg delegation were guests in Rochester. There they partook of many events and activities which were intended to give them the

flavor of life in their American sister city. The week's program also gave many of my fellow citizens in Rochester the opportunity to repay the kindness and generosity of those who had entertained them in Wurzburg when a delegation of Rochesterians were guests in the German city.

During their stay in Rochester recently, Dr. Zimmer and his party were hosted by our mayor, the Honorable Frank T. Lamb, entertained at a dinner in their honor, attended civil functions, were given tours of the city, and even attended a Red Wing baseball game at which they were saluted. I know the week was particularly enjoyable and I am pleased that I had the occasion to join with our Wurzburg visitors for some of the activities.

This morning I welcomed the delegation at National Airport on their arrival in Washington and then escorted them to our State Department. Mr. Alfred Puhan, Director of the Department's Office of German Affairs, welcomed the delegation and discussed with them the importance our Nation attaches to its relation with the Bonn Republic.

After the State Department visit, our guests came up to Capitol Hill and toured this historic building. We then met for lunch and I had the opportunity to talk about our form of government and the role of Congress in making the laws that guide our course as a democracy.

The Wurzburg delegation then left for a sightseeing tour of Washington that will conclude with their being welcomed at the German Embassy.

It is obvious to me that we in the United States have many friends in Germany and that the strength of our ties, nation to nation, city to city, and people to people, are made more meaningful by these mutual visits. Rochester's sister city program has helped a great deal to foster an appreciation and friendly feeling between the people and the institutions of an American and a German city.

I am proud of this link and look forward to creating even closer bonds in the days ahead.

Mr. Speaker, I also want to acknowledge to our colleagues that one of the greatest treats received by our German visitors was your kindness, Mr. Speaker, in dropping in at our luncheon in order to welcome the Wurzburg delegation. I can assure every Member of this House that our distinguished Speaker was welcomed warmly and many of those in the delegation told me later that to meet such a distinguished American was more than they had ever expected would occur during their visit to the United States. The Speaker's fame obviously is far flung and the respect which his dedication and devotion to the cause of freedom have brought him is not limited by our national boundaries.

CLOSING THE MEKONG ROUTE TO CAMBODIA

(Mr. CHAMBERLAIN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include the text of a letter to the President and his reply.)

Mr. CHAMBERLAIN. Mr. Speaker, recent press reports indicate there is no reason to doubt that Cambodia is a sanctuary, a training ground, and a source of supply for the Vietcong. Last month when I was in South Vietnam, in fact, I was told of the existence of three air-fields in nearby Cambodia which receive daily flights of supplies for the Vietcong. I was shocked to learn as well from an informed naval officer that while 410 free world ships sailed through South Vietnam during 1965 on the Mekong River into Cambodia that we have no effective control over this traffic to prevent the flow of contraband. The Mekong has long been suspected as a back-door source of supply to the Vietcong.

In view of the overwhelming evidence of Prince Sihanouk's open economic and political support of the Vietcong I believe that South Vietnam should be urged in the strongest manner possible to close the Mekong River to all Cambodian-bound ocean traffic, and I have urged the President in a letter to do just this.

Mr. Speaker, I received an answer from the State Department to my letter to the President. Its argument is in the same similar vein as the one I cited in my remarks on last May 4 in this chamber. First, the Department does its best to assure me that there really is not any problem and then in the next paragraph I am told everything is being done that is necessary to put an end to this so-called non-problem.

While I certainly do hope that something is going to be done about it, because as I said, as of last month not enough was being done about it.

Just what does the Department say about this nonproblem? They say:

While it is probable that some items from these cargoes do reach the Viet Cong we have no evidence that a substantial amount of material valuable to the Viet Cong war as yet reaches them through ocean shipping on the Mekong.

Thus it is admitted that it is "probable" that the Mekong does constitute a supply route to the Vietcong but, in the Department's eyes not in "substantial" amounts.

Now first of all, we do not presently have certain knowledge of just what is being shipped up the Mekong, and if we do not know this, we do not know just how much direct aid the Vietcong is getting from this source. Second, the point is after all, as the Department admits, the Vietcong have been getting aid through this source, in whatever amounts. Our air strikes into North Vietnam and Laos have been for one principle purpose, to interdict the enemies supply lines and yet we have failed to take effective action against a supply line running right through South Vietnam. I say that wherever we find a source of supply to the enemy, in whatever amounts, it must not be tolerated but must be eliminated.

It is striking as well that the State Department makes no comment as to the desirability or undesirability of closing the Mekong River as a means of economic pressure to encourage Cambodia to live up to its professed policy of neutrality. It is often said that the Cam-

bodian Chief of State, Prince Sihanouk, has turned an accommodating eye toward the Communists in the belief that the Vietcong will triumph in South Vietnam. While this is probably in part wishful thinking due to Sihanouk's own dislike for his Eastern neighbor it would appear possible that the growing U.S. military commitment in South Vietnam might raise doubts in his mind as to the ultimate success of the Vietcong. Nevertheless, unless we shut off the enemies' source of supply we face a longer, costlier, bloodier war in South Vietnam. In such a protracted struggle it is less likely that Cambodia would soon reverse its policy of aid and comfort to the Vietcong. A forthright stand on the question of this Mekong River back-door aid to the Vietcong might well indicate the determination of the Saigon government to win this struggle and thereby produce a salutary effect upon Cambodia's position. In any event, the conditions presupposed by the treaty making the Mekong an international waterway have been radically altered by the growing hostility of the Cambodian Government. It is time that pressure be brought to bear upon Cambodia to live up to its alleged foreign policy of strict neutrality in the hope that the war itself will not spread into that country.

Mr. Speaker, I ask unanimous consent to insert in the RECORD the text of my letter to the President of May 3, the text of the response to it from the White House dated May 4 by Henry H. Wilson, Jr., administrative assistant to the President and a copy of a letter from Douglas MacArthur II, Assistant Secretary of State for Congressional Relations dated May 16.

MAY 3, 1966.

HON. LYNDON B. JOHNSON,
The President of the United States,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Recent reports in our own press as well as the monitored statements of the Cambodian Chief of State, Prince Sihanouk, give every indication that Cambodia is providing substantial assistance to the Viet Cong despite its alleged foreign policy of "strict neutrality". I have been particularly disturbed by reports that shipping up the Mekong River to the Cambodian port of Phnom Penh carry goods which ultimately benefit the enemies of South Vietnam.

According to information provided me by the Department of Defense during the first three months of this year, 102 Free World vessels have entered Cambodia via the Mekong River. Consequently, I was shocked to learn just a few days ago while in South Vietnam as a member of a special mission of the House Armed Services Committee that, as one of our high-ranking Naval officers told me, "We have no effective control over this shipping."

The Treaty signed in 1954 by Cambodia, Laos, and South Vietnam clearly points out that navigation on this international waterway must not jeopardize the maintenance of general security of any of the riparian states. In view of the increasing hostility of the Cambodian Government and the present ineffectiveness of the surveillance of river traffic, I would respectfully recommend that the Government of South Vietnam be urged to close the Mekong River to all Cambodian-bound ocean traffic. The intent of such action would be to limit rather than expand the war by seeking to reduce Cambodia's participation in it, and to do so by economic

and not military means. I am satisfied that unless more effective measures are taken to close the Viet Cong's "back-door" source of supply from Cambodia that this struggle will be made much longer, costlier, and bloodier, and with little prospect that the enemy would feel compelled to come to the conference table.

Respectfully yours,

CHARLES E. CHAMBERLAIN.

THE WHITE HOUSE,
Washington, May 4, 1966.

HON. CHARLES E. CHAMBERLAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN: May I acknowledge your letter of May 3 to the President calling to his attention information you obtained in the course of your recent visit to South Vietnam regarding free world shipping to Cambodia via the Mekong River.

Your interest is very much appreciated and the recommendations contained in your letter will have the careful consideration of the President and his advisers.

Sincerely,

HENRY H. WILSON, JR.,
Administrative Assistant to the President.

DEPARTMENT OF STATE,
Washington, May 16, 1966.

HON. CHARLES E. CHAMBERLAIN,
House of Representatives.

DEAR CONGRESSMAN CHAMBERLAIN: We have been requested by Mr. Wilson of the White House staff to reply to your letter of May 3 to the President concerning alleged diversion of cargoes shipped up the Mekong River to Cambodia to the ultimate benefit of enemies of South Viet-Nam. Your letter recommended that the Government of the Republic of Viet-Nam be urged to close the Mekong River to all Cambodia-bound ocean traffic.

The Department has continuously under review the question of shipping on the Mekong River and the danger that goods carried up the river to Cambodia may be transshipped from there to the Viet Cong. The evidence available at this time does not confirm that significant diversions are taking place. Approximately 70% of the total cargo shipped in 1965 to Phnom Penh on the Mekong consisted of petroleum and petroleum products imported for sale through Western-owned facilities in Cambodia. Much of the remainder—about 25% of the total shipping into Phnom Penh during 1965—consisted of identifiable general cargo and of miscellaneous cargoes such as metals, asphalt, cement, and small quantities of foodstuffs.

While it is probable that some items from these cargoes do reach the Viet Cong, we have no evidence indicating that a substantial amount of material valuable to the Viet-Cong war effort reaches them through ocean shipping on the Mekong. Improved security measures now being developed to control Viet-Nam riverine traffic will, however, be applied to international shipping as well, consistent with South Viet-Nam's international treaty obligations.

I hope that this information will be of assistance to you.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional
Relations.

PERMIT SALE OF NUCLEAR ARMS TO NATO

(Mr. FINDLEY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, I am glad that the gentlewoman from New York [Mrs. KELLY] is placing in today's CONGRESSIONAL RECORD the full text of the statement made to the Committee on Foreign Affairs, Subcommittee on Europe, by former President Eisenhower. I read in the Sunday Star the wire service's analysis of this statement and comments appropriate on it made by several Members of this body and other Government officials.

To me this is one of the most significant and hopeful statements made in regard to the future of the Atlantic alliance in many years. Coming from the first Supreme Commander of NATO, a former President of the United States, one who undoubtedly occupies a position of prestige throughout the Atlantic community, unmatched by anyone else, it is especially significant. In it the former President proposes that under certain NATO arrangements we sell atomic weapons to such NATO nations that may desire them.

The Atomic Energy Act has been used as the excuse in the past for denying to the French Government nuclear information which we have known is available to the Soviets. The exact language of the act in my view is broad enough to have permitted our Government to supply the French Government with this information. In any event, I feel it is most timely to have a thorough, detailed review of the Atomic Energy Act hopefully leading to amendments in the light of present-day realities.

Mr. Speaker, I ask unanimous consent that at this point I may include the text of the Associated Press analysis of the former President's statement.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The statement is as follows:

PERMIT SALE OF NUCLEAR ARMS TO NATO.
EISENHOWER URGES

Former President Dwight D. Eisenhower proposes a drastic overhaul of the Atomic Energy Act to provide for the possible sale of nuclear weapons and submarines to North Atlantic defense nations.

As a former supreme commander of NATO, Eisenhower said he had felt "we should seek authority to sell appropriate nuclear weapons to other governments * * * under special conditions and arrangements—to be approved by the NATO organization—that could operate effectively in the defense of Europe."

He found it strange, he said, "that even though the Soviets long ago succeeded in developing a nuclear capability of great strength and efficiency we have been forced, by law, to keep any useful knowledge about the science from most of our partners in NATO."

Eisenhower also indicated the present level of American troops kept in Europe stems in part from failure of the allies to raise expected ground forces.

SPUR TO ALLIES

And he said that while nothing should be done to antagonize the French people, "to make up the deficit" from France's pullout from NATO's system, the other allies—especially Germany—"should be encouraged to develop more military power."

Johnson administration policy continues to be committed to a maintenance of American troop strength in Europe. U.S. officials

the student is the more critical of the two questions. Chronologically, a selection of students by colleges is possible only *after* the students have applied for admission or have expressed an interest in the college. Too many excellent small colleges are not operating with a full complement of students simply because more high school students are not even aware of their existence. Thus, the first step toward admission is a gathering of information—about the student and his abilities and goals, about the college and their requirements, atmosphere and qualifications. This information-gathering process may lead to a program for exceptional students, an application for admission to an Ivy League or a small midwestern college, or a trial period in a junior college system.

Regardless which college the student attends, parents should be aware that it is not *which* college the individual gets into but *how much* he has grown academically, socially and emotionally between admission and graduation.

(Mr. ANNUNZIO was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. ANNUNZIO'S remarks will appear hereafter in the Appendix.]

MOON TREATY

(Mr. BOLAND (at the request of Mr. ANNUNZIO) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BOLAND. Mr. Speaker, to regard the moon as a potential base for aggression would have shaken the imagination only a few years ago. But man's accomplishments in space leave little to the realm of implausibility today.

The Springfield, Mass., Daily News of May 9 points up this fact in supporting President Johnson's appeal for a treaty to make sure that the moon and other celestial bodies are open to all nations.

No time should be lost in writing a space treaty, the News says in an editorial which adds this cautionary note:

The moon could conceivably offer a good base for nonpeaceful space operations should any nation seek to use it as the stepping stone for a pattern of space sovereignty.

The News editorial adds to the mass of favorable comment already stirred by the President's proposal, and I include it in the RECORD at this point with my remarks:

MOON TREATY

Not too many years ago, the moon was regarded as remote despite the fact that it has, for centuries, been the subject of long distance scientific curiosity and exploration.

More imaginatively, it has been the home of the "man in the moon" and a subject for the unrelenting persistence of popular ballad writers who have turned out "Shine on Harvest Moon," "Moonglow," and a host of others. Moon, a natural rhymer with June, presented a field day for the song writers.

Today, of course, the moon is the prime target in the manned space program as the U.S. Apollo program pushes forward with its goal of landing an astronaut there by 1970.

President Johnson has focused new attention on the moon with his announcement that the United States will seek a treaty through the United Nations to prevent any

country from claiming sovereignty over the moon and other celestial bodies.

The President said in part: "We want to be sure that our astronauts and those of other nations can freely conduct scientific investigations of the moon. We want the results of these activities to be available for all mankind." Space explorations, the President emphasized, should be "for peaceful purposes only."

Thus, the President declared, "Astronauts of one country should give any necessary help to astronauts of another country." He added: "No country should be permitted to station weapons of mass destruction on a celestial body. Weapons tests and military maneuvers should be forbidden."

While it may seem that there is plenty of time to work out a program of this type, this is not the case. The moon could conceivably offer a good base for nonpeaceful space operations should any nation seek to use it as the stepping stone for a pattern of space sovereignty.

The President's message took this into account when he said: "I believe that the time is ripe for action. We should not lose time."

The moon, the earth's only natural satellite, will be more and more in the news in the days ahead, climaxed by—a few years from now—the word that man has landed on this space target. The Outer Space Committee of the United Nations, which is the logical group to consider President Johnson's space treaty proposal, should not lose time in acting on this plan for a peaceful conquest of space.

(Mr. HANSEN of Iowa (at the request of Mr. ANNUNZIO) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANSEN of Iowa. Mr. Speaker, all Members of this great body are understandably concerned with the situation in southeast Asia. Everyone of us are being buffeted by the charges and countercharges that are so prevalent. As a result most of us have difficulty in maintaining the broad viewpoint that each of us must keep on this serious foreign affairs problem.

Repeated opportunities to review the attitudes of those who have had long and close experience in the Asian area has been extremely helpful to me in keeping my viewpoint in what I believe to be proper total perspective.

In the belief that it will be helpful to my colleagues, I am offering for the RECORD one of such items—an article which is the text of an address by Geoffrey Fairbairn. The editor's note that prefacing the article is of particular value in helping the reader appraise Mr. Fairbairn's more detailed comments. The article follows:

WHERE I STAND—A PERSONAL STATEMENT ON VIETNAM

(Address to the "Unco Good," by Geoffrey Fairbairn, Canberra, Australia)

(EDITOR'S NOTE: Geoffrey Fairbairn, who is a gentle scholar and teacher and political writer today, as he was a quiet but tough commando officer and early expert on the new and old guerrilla warfare developed both during and after World War II, is as aware as anyone of the odd, illogical, off again-on again but highly opinionated role of individual and organized churchmen, particularly in strongly Protestant countries during the rise and fall of Hitler and, even more notably, his (Hitler's) affectionate admirer, Joe Stalin and successors. Fairbairn has won a hearing and won support of students for his "pro-

freedom" and "face the world's reality" appeal of the informed anti-Communist forces of the world. His appeal to Australian churchmen, so tardy on Hitler and worse than tardy on Mao and Ho Chi-minh, stands on its merits and the rather tragic facts of past history.)

(This article is the text of Geoffrey Fairbairn's address * * * to a Sydney conference of the Australian Council of Churches. (The Bulletin, 9/11/65.)

Mr. Chairman, Reverend Sirs: I believe that the Americans and Australians in South Vietnam are fighting for world peace, and I propose to explain why I believe that. I do not stand here as some tame apologist for the present Government. I have again and again attacked what I believed to be its insouciance about the great issues in Asia. I have many times criticised its attitudes towards Asians.

I have a kind of foster-son—for years while he grew to manhood I was in effect his foster-father—who lives in Burma near the Chinese border and I am conscious all the time of the dangers that he and his Australian wife and their children face today. When I speak about guerrilla warfare I do not speak as an academic. At every local discussion such as this one, a large part of my mind is in other places: the road between Kukial and Namkham where that great medical missionary Segrave worked until he died in the hospital that he and his wife and his sister built with their own hands out of stone laboriously moved from the Shwe-Li River, the border between Burma and China. It was on that road that the Shan Burmese family, of whom I am an honorary member, learned that guerrillas had the same day inadvertently killed their small niece. They were not Communist guerrillas.

I keep remembering the faces of my Arakanese friends in Western Burma the day the Burmese Army—an army representing a very Left-wing government—had bombed a village, killing some innocent people, in order to attack local Communist guerrillas. I remember the frightened faces of rubber tappers in Malaya during the height of the Communist insurrection in Johore in 1951—and remember my own fears as the very brave Welsh plantation manager drove me through the shadowy lines of the rubber plantation, where his assistant had been killed not very long before. I remember the gentle face of a Vietnamese Army officer, seconded to civilian duties in the Central Highlands of Vietnam in 1962, and the frightened young—oh, so very young—faces of his militia boys as they awaited attack from Vietnamese Communist guerrillas. Indeed, I even keep remembering a day 20 years ago when I went upriver behind the Japanese lines in Borneo: remembering the fear on the villagers' faces lest our operation be unsuccessful and bring Japanese reprisals upon them. I also remember a little boy on a beach in the Philippines a little earlier: his right arm a bandaged stump, the result of our bombardment earlier in the morning . . . oh, no, I loathe both guerrilla war and the methods involved in its putting down.

I simply see no alternative to the American commitment in South Vietnam and our support of it. For this is not an attempt by the West to put down an indigenous peasant rising, "a response to economic and political conditions" as some intellectuals believe. What is happening in South Vietnam is not only an invasion through methods of revolutionary guerrilla warfare: it is part of a grand design by China to alter catastrophically the balance of world power. And should it succeed then world war is virtually inevitable.

Contained by the wills of free men in Western Europe, the Soviet Union has been forced to take stock of its position and of

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two, three or four schools where the student stands a good chance of getting admitted.

College should be a mutual choice—not solely the choice of the parents nor of the child. It is not wise to force him into a college he has no desire to attend because he is the one who has to make "a go of it." This is a difficult, unsure time for youth where he needs parents' support as much as possible. The more capable student can and should attend a large institution. Famous large universities have a tendency to be impersonal and many of them have obtained their reputation because of their "print or perish" motto. A mature student will be able to succeed in this type of environment whereas an immature student who isn't quite the scholar needs more parental guidance and would do better to choose a smaller college where a more personal relationship is maintained.

Visit to the campus

If possible, it is well to visit the campus of the college the student plans to attend. If several in-city schools are under consideration where the student will reside at home, several campuses should certainly be visited during the time school is in progress to see classes in session, how classes are conducted, the types of students in attendance, how well the college is organized, and the physical facilities such as the library and laboratories. If several out-of-city campuses are under consideration, a visit to each one may be more difficult. In this case parents of a student attending the specific college can be visited to ascertain their opinions as to the conditions on campus. It is common courtesy to arrange for an appointment for an interview with an admissions officer (or other interviewer) in advance of the visit to the campus and also to have in mind specific things to be discussed. The appearance which the student presents is important—both in style of hair and dress.

Don't be afraid to ask for advice

Students should work closely with the high school counselor and seek his opinion when in doubt about important items concerning college. Parents can also talk to a college student or recent college graduate in the community or church group and several of the student's high school teachers with regard to proficiency and choice of career. If the student is considering a profession he should talk to members of the specific profession (such as pre-medical, pre-dental or law) as to rating of schools in the field. It is important to talk positively. Free advice is available from teachers and guidance counselors so it is not compulsory that a trip be made away from home to obtain information; instead it is possible to get far better information from people in the field.

A new entrant to the scene with the surge of students toward the campuses are the college admissions counseling agencies. Both parents and prospective student should be aware of the professional background of those staffing the agency. Frequently the agencies charge exorbitant fees and "wind up" giving the same advice that the high school counselor originally gave—that their child is not Ivy League material but ordinary East-West College calibre.

An alternate for the college of his choice

If the senior year is coming to a close and the student has not been officially accepted by any of the universities to which he has applied, there are several agencies which maintain a current file of universities still accepting applications. They will send the student's credentials (academic record) to admissions offices at colleges that have vacancies. They are the following:

1. College Admissions Center, 610 Church Street, Evanston, Illinois.

2. College Admissions Assistance Center, 41 E. 65th St., New York 21, New York.

3. American Association of Junior Colleges, 177 Massachusetts Ave. N.W., Washington 36, D.C.

4. The American College Admissions Advisory Center, Junto School Building, 12th and Walnut Streets, Philadelphia, Penn.

5. Catholic College Admissions and Information Center, 3805 McKinley St. N.W., Washington 15, D.C.

Self-help for the student in high school

High school students themselves, with a little direction from the counselor can become acquainted with meaningful research about occupational choices to help him set a future logical goal. Excellent source material is available such as the "Occupational Guidance" units that provide individual guides with detailed information about various occupations. These guides clearly and interestingly describe the work, working conditions, ability and temperament required, advantages and disadvantages of the job, education and training requirements, suggested courses to take in high school, and a listing of free and inexpensive informative material about the job. A feature of each guide is a section on "Testing Your Interests" in which the student is directed to ask himself questions to determine whether or not he is suited to the specific occupation.

Here is tangible evidence of efforts of high school counselors to provide students with vocational guidance to help the individual in making a wise occupational choice and to aid directly in educational and vocational planning.

Don't forget the junior colleges

Attending a junior college (or "doorstep college") can be justified on the basis of ability and economic status. It is called "doorstep" because it provides the opportunity for two years of higher education in the same place where many students live. The junior college offers this two-year college training and is the least expensive college education beyond high school. The college, however, is "junior" in name only as the courses offered parallel those of four-year colleges. It is also for those who are not sure they want to invest in a full four-year school, i.e., purchasing materials, paying for tuition, etc., or for those who are not sure they can make the grade in a regular college. If uncertain, a student can attend junior college for a year with the idea that if he successfully completes it the parent will enroll him in a regular college. Studies show that transfer students usually do as well or better than their four-year classmates.

The courses are transferable to a four-year college and offer full credit providing the courses meet the requirements of the receiving school. For example, a person who has taken a survey-type business mathematics course and then enrolls in a regular mathematics curriculum could not expect it to be considered as a transferable course.

If a student has not satisfied all the prerequisites to a university or remedial work is necessary before he can be accepted, a junior college is an ideal way to satisfy these requirements prior to admission to a university and it gives an opportunity to improve study skills within the confines of a small group.

Trends in college education

Shock waves from the "knowledge explosion" have caused college administrators to re-evaluate their curriculum. Formerly, colleges could afford the luxury of four years' time to educate a student fully. Today, with the necessity for specialization due to the technological complex of vast amounts of knowledge within a career field, colleges are faced with the challenge of either stream-

lining the required course of study, providing some means for capable students to shorten their time spent in college, or enriching the curriculum for a full four-year term.

To meet this challenge some colleges have designed programs which can save years in college time and thousands of dollars in tuition and living costs for the able student. Among those plans receiving national attention are the "Comprehensive College Tests Program" and the "Advanced Placement Program," both sponsored by the Educational Testing Service of Princeton, New Jersey.

Advanced Placement Examinations. Some high schools today are able to offer college-level courses to bright students by enriching their curriculum in tenth and eleventh grades. Recognizing that this test takes advantage of advanced placement, over one-third of the colleges participate in the Advanced Placement Program which allows the student to continue enriching his curriculum in college. Criteria for advanced placement in college work consists mainly of a series of examinations offered each May based on college-level courses in history, science, languages, and mathematics. Results of these examinations are forwarded to the college of the student's choice. College policies on awarding of credit vary; some award credit for grades, others grant placement, and still others give neither placement or credit. As to the acceptance of this program, consultation with the admissions officer or the statement of policy in the college catalog will reveal whether this is done.

The student should consult with the admissions officer of the college of his choice to learn what plans they use or if they have their own specially designed plans of advanced placement for the same purpose. This should be done, however, only if the parents believe their child is capable of exceptional work and has completed college-level courses in his high school.

Comprehensive College Tests Program. Within the past few years a new program was introduced intended to assist the student toward obtaining credits in basic courses in a field of study to students who are able to demonstrate proficiency in that field. A series of examinations with results compared against standards set by college freshmen completing the same courses measure this proficiency. Tests are offered in literature, chemistry, calculus, economics, tests and measurements, and western civilization. Those who are interested can consult the college admissions officer or college catalog. The Comprehensive College Tests Program testing department advises each candidate for the examinations to carefully evaluate his academic preparation before attempting any of the examinations.

An example of this trend in education on a local level is the "Honors Program in Medical Education" recently instituted at Northwestern University. In this program a student who wishes to enter the field of medicine can reduce the period of college training by two years. He must, however, maintain "satisfactory academic grades and develop normally in intelligence and emotional maturity." This program concentrates on science and mathematics for the first year, humanities and behavioral sciences for the second year, and begins Medical School courses during the third year. A student who is able to pursue this curriculum will be awarded a Doctor of Medicine degree in six years instead of the normal eight.

SUMMARY

The "who selects whom" questions posed at the beginning of this section have emphasized many points in preparing for a smooth transition from high school to college. Currently, the selection of a college by

the realities of the thermo-nuclear balance of terror. It turned its energies towards social betterment, towards a hitherto undreamed-of humanism, towards a real effort to cooperate in keeping world peace. China acted differently. China is biologically unafraid of a nuclear holocaust. China talked, and talks today, in terms of war "as the highest form of struggle"—"war will become a bridge over which mankind will pass into a new era of history." A "beautiful new future," according to this viewpoint, will be built upon "the debris of a dead imperialism." I do ask you, most humbly, if we have not in such a viewpoint a truly terrible threat to world peace? Have the Americans ever talked in those terms? I ask you at this point to remember that American airpower could tomorrow, in a matter of hours, reduce the Red River Delta of Tonkin to a raging flood, against which the energies of the Vietnamese people have been bent for over 2000 years. Instead of doing this, young Americans are dying in and around Maquis D, around Chu Lai Da Nang, Dak Sut, Kontum, Pleiku—dying individually near places whose names are probably unfamiliar to you. The Americans could end the war tomorrow by bombing the river control system of North Vietnam. They do not do so. Do you really believe the Chinese would not do so if the positions were reversed?

I must confess to finding the present situation here rather eerie, rather unreal. When the campaign against South Vietnam was launched through means of revolutionary guerrilla warfare, there were very few Americans indeed in Vietnam. The number of village officials, and their wives and their children, assassinated or kidnapped each year by the Vietcong vastly exceeded the number of American advisers. I hope that the churchmen protesters against American-Australian involvement today protested against those murders and kidnappings. (Ed: they did not either individually or collectively, even once.) Otherwise quite clearly a double standard of morality is being insinuated upon the Australian public. When over 50,000 North Vietnamese were executed after atrocious public humiliations I hope the protesters of today publicly protested (Ed: they did not and don't even know it yet)—since this was the inevitable consequence of Communist victory in the North, as it will be in the South. I hope protesters are aware of what will happen to supporters of the South Vietnamese Government should the Communists win. I hope that when the state power of the North Vietnamese Communist society trained artillery upon the protesting peasants of Nghe-An, Ho Chi-minh's home province, the clerical protesters of today protested then; and when Hanoi University was closed down in order to prevent some kind of teach-ins. Otherwise a double standard of morality is being imposed upon Australian citizens.

Now today I refuse to get side-tracked into technicalities. I would rather put this to you: South-East Asia is composed of new nations that might well be supposed to favor Communist ideas. They all have, in varying degrees, memories of humiliations imposed by Westerners. They have all discovered disabilities in themselves, since independence, so far as modernising techniques are concerned. They are all disappointed by their own political and economic achievements, and so they are all only too apt to talk in terms of an economically dominating neo-colonialism (and there is truth, economically, in this talk). They are chiefly Left-wing in point of social policy. But no where have the presumably "higher ideas" of Communism issued in a Communist government by popular acclaim, through elections.

The chief reason for this is that they are peasant countries and they know by now that Communism is a vast confidence tricked

perpetrated against peasants. They know—that where Communism successfully grows out of the barrel of a gun, the peasants are herded on to collective farms as State slaves. The result is economically appalling. For example, the per capita production of grain in the Soviet Union was higher in 1913 than in 1961 (Mr. Khrushchev's figures, not mine). The same thing happened in North Vietnam after the Communist conquest of 1954. Production in the South grew by 20 percent, it dropped by 10 per cent in the North.

I look forward to a day when China, when the great energies of Chinese civilization are forced back by the wills of free men to the task of bettering its own people. I look forward to the day when the nations of South-East Asia—Left-wing and Right-wing—are united in the common purpose of harnessing the Mekong River. I look forward to the day when an Australian Peace Corps will be active in the villages of South-East Asia.

But first the Chinese "line," the Chinese attempt to extend violence of a brilliantly systematized kind throughout South-East Asia, Latin America, and Africa, must be repulsed. Peace depends upon this repulsion. Hope depends upon this repulsion. This repulsion simply must not be stayed on its way by the neuroses and double standards of morality and political gormlessness. I am not prepared to stand in some apologetic stance, even before such an angust audience as this. It is we who represent the open future for the hearts and minds of men and women—we, not the totalitarians. By "we," I do not have to add that I mean those South-East Asians who are fighting and bleeding and dying—the South Vietnamese armed forces have suffered casualties equivalent to those of Australia during World War II, fighting for the freedom to choose their future. I want to quote a man who once symbolized the dour, enduring decency of free men, Winston Churchill: "Never give in. Never, never, never, never. Never yield to force and the apparently overwhelming might of the enemy. Never yield in any way, great or small, large or petty, except to convictions of honor and good sense."

After all, we are back in 1938 now. *JN*

THE WAR WITHIN A WAR IN SOUTH VIETNAM

(Mr. JOELSON asked and was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. JOELSON. Mr. Speaker, if the war within a war in South Vietnam does not soon subside, the U.S. Government should tell the non-Communist forces to stop fighting among themselves if they want U.S. military aid and involvement to continue.

It is imperative that all non-Communist elements in South Vietnam get together if they are to wage an effective battle against the Vietcong. The United States cannot and should not be expected to bear the terrible burden alone.

We must also make it abundantly clear to the dissident factions that we cannot tolerate attacks on American soldiers by our so-called allies. They should be made to know that either they shape up or we ship out.

As one who has consistently supported our involvement in South Vietnam, I am sick at heart over the current struggle for power which diverts our attention and dilutes our efforts.

URGES SETTLEMENT OF OPERATING ENGINEERS STRIKE

The SPEAKER. Under previous order of the House, the gentleman from Illinois [Mr. McCLORY] is recognized for 30 minutes.

Mr. McCLORY. Mr. Speaker, a strike of the Operating Engineers Local 150 in the northern area of Illinois is wreaking havoc in the construction of needed public works and in the building of commercial, industrial and residential structures in this area.

My attention has been called to various highway and sewage treatment construction projects which have been stalled as a result of this prolonged strike which began on April 10, 1966. The Members of this union operate earthmoving machines. The operating engineers play a major role in modern-day construction of public works as well as in the building of private structures. Other work performed by members of this union includes excavating of underground tunnels and shafts.

The various issues involving wages and fringe benefits as well as work rules are numerous and complicated. There have been some attempts at negotiation and the Federal Mediation and Conciliation Service has attempted to bring the parties together. However, there appears to be inadequate concern on the part of agencies of the State and Federal governments to the disastrous effects resulting from this prolonged strike.

Unlike the strikes of the Longshoremen and the Transit Workers as well as the threatened strike in 1964 of the Railway Engineers and Firemen, the Federal Government has taken relatively little interest in this work stoppage.

It is my understanding that the membership of many of the trade unions is now being affected by the Operating Engineers' strike. Without the services of these men, carpenters, bricklayers, and other construction workers are suffering from lack of work. The loss in wages is bound to be felt shortly in retail establishments throughout the areas affected. Other direct and indirect damage is bound to ensue.

I am not able to judge the merits of the positions expressed by either side, but I can state flatly that some decisive action is needed to halt this tragic loss to the entire community, including primarily the equipment operators themselves who have already lost substantial wages by reason of the strike.

The subject of such strikes was referred to by the President in his state of the Union message last January when he declared that he would "ask the Congress to consider measures which, without invading state and local authority, will enable us effectively to deal with strikes which threaten irreparable damage with the national interest." So far no legislative measures have been recommended to the Congress.

In order to enable the Congress itself to develop appropriate legislation, I am introducing today a joint resolution patterned after those introduced some months ago by my colleagues, the gentleman from Missouri [Mr. CURTIS], the gentleman from Michigan [Mr. GRIFFIN],

now serving in the other body, and the gentleman from Illinois (Mr. FINDLEY). The resolution would create a joint congressional committee to recommend ways and means of improving the collective bargaining process and of developing useful and effective methods of mediation.

Meanwhile, Mr. Speaker, I recommend that the parties adjust through collective bargaining as many issues as possible and refer the remaining issues to arbitration in order that the members may return promptly to their jobs and the important work which they are capable of performing can be resumed without delay. Certainly, these issues can be resolved without the individual and public losses which will continue to mount as long as the strike continues. I urge the parties to follow this course at once.

In addition, Mr. Speaker, I am hopeful that the Committee on Rules will give early and favorable consideration to the joint resolution which my colleagues and I have introduced and also that the members of the Committee on Education and Labor will consider improved methods for averting such crippling strikes and for drawing together the respective parties in a labor dispute such as is involved in northern Illinois.

Mr. Speaker, I also urge the Secretary of Labor to convene a meeting in Illinois at the earliest possible date and to use all the influence of his office as well as the services of the Mediation and Conciliation Service to bring about a settlement of this controversy.

GENERAL LEAVE TO EXTEND

Mr. Speaker, I ask unanimous consent to revise and extend my own remarks, and I ask unanimous consent that all Members in the area affected, Members whom I shall designate here for the RECORD, be authorized to extend their remarks, following my remarks, if they so desire.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

(Mr. ANNUNZIO (at the request of Mr. McCLOY) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO'S remarks will appear hereafter in the Appendix.]

(Mr. COLLIER (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. COLLIER'S remarks will appear hereafter in the Appendix.]

(Mr. DAWSON (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DAWSON'S remarks will appear hereafter in the Appendix.]

(Mr. DERWINSKI (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. DERWINSKI'S remarks will appear hereafter in the Appendix.]

(Mr. ERLENBORN (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. ERLENBORN'S remarks will appear hereafter in the Appendix.]

(Mr. KLUZYNSKI (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KLUZYNSKI. Mr. Speaker, I want to join my good friend and colleague, Congressman BOB McCLOY, in directing attention to this critical situation and urging that appropriate Federal action be taken to bring this strike of the Operating Engineers in Northern Illinois to an end.

As chairman of the Subcommittee on Roads, I am acutely aware of the many problems that inevitably flow from an extended delay in scheduled highway construction. We increase costs—which are already climbing; we further aggravate the already heavy demands on the labor supply to get the job done; and because we delay actual completion of construction, we also contribute, however unwillingly, to an increase in the highway death toll.

I take no position on who is right or wrong here, or on what the solution should be, but I most certainly do urge that every possible avenue of assistance in getting the strike settled be used.

In addition to the harm that is being done to the highway construction program, this strike is also creating substantial increases in housing costs, and our need for additional housing within price limits people can pay is also critical.

The public good demands that action be taken to get this dispute straightened out and the excavating and roadbuilding forces back to work. I hope that action will be forthcoming, and promptly.

(Mr. MURPHY of Illinois (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. MURPHY of Illinois' remarks will appear hereafter in the Appendix.]

(Mr. O'HARA of Illinois (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. O'HARA of Illinois' remarks will appear hereafter in the Appendix.]

(Mr. PUCINSKI (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. PUCINSKI'S remarks will appear hereafter in the Appendix.]

(Mrs. REID of Illinois (at the request of Mr. McCLOY) was granted permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

[Mrs. REID of Illinois' remarks will appear hereafter in the Appendix.]

(Mr. RONAN (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. RONAN'S remarks will appear hereafter in the Appendix.]

(Mr. ROSTENKOWSKI (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. ROSTENKOWSKI'S remarks will appear hereafter in the Appendix.]

(Mr. RUMSFELD (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. RUMSFELD'S remarks will appear hereafter in the Appendix.]

(Mr. YATES (at the request of Mr. McCLOY) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

[Mr. YATES' remarks will appear hereafter in the Appendix.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WILLIAMS (at the request of Mr. ALBERT), from April 15, indefinitely, on account of illness.

Mr. DYAL, for an indefinite period, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to Mr. McCLOY (at the request of Mr. HORTON), for 30 minutes, today; and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. SAYLOR and to include extraneous matter.

(The following Members (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. QUILLIN.

Mr. PELLY.

Mr. HOSMER in two instances.

Mr. CLARENCE J. BROWN, JR.

Mr. KUPFERMAN in two instances.

(The following Members (at the request of Mr. ANNUNZIO) and to include extraneous matter:)

Mr. CALLAN.

Mr. BOLAND in three instances.

Mr. HANSEN of Washington in two instances.

Mr. DORN in six instances.

Mr. EVINS of Tennessee in four instances.

"We don't have a school dropout problem. We do have a problem, but it's with the forced-outs."

"Teachers are not in communication with their (Mexican-American) communities. They can't cope with the kids and the kids can't understand what's expected of them."

Guzman urged the group to get active on school boards and in civic organizations.

"Collectively you have power," he said. "You have the vote. With the vote you can change things."

Civil rights means more than the vote and the right to speak up, declared Al Jimenez of the Migrant Opportunity Program in Cashion. "It's also the right to earn a decent wage."

He criticized Gov. Goddard for not doing much for the farm worker despite his pledges.

"I think he's playing footsy with Lee Wong (a Valley farmer)," he said, adding:

"I'm for demonstrations. I'm not for Molotov cocktails. Not yet."

The need for unity was woven through all the discussions.

This was stressed by Robert Reveles, director of the National Organization for Mexican-American Services in Washington.

Once political unity has been achieved, he said, a solution to high unemployment and low educational levels among the Mexican-American community can be found.

THE WRONG WAR

Mr. SYMINGTON. Mr. President, an editorial in the New York Times this morning brings out the fact that the disension and actual fighting is growing among the various political and religious factions in South Vietnam.

Specifically, the editorial states that these factions—

are not fighting in a vacuum. Although they are close to a point of no return, there is still time to call a halt, hold elections and get on with the business of fighting the Vietcong—not each other.

That statement is true and this is a thoughtful editorial. I would hope that all those involved have an opportunity to read the editorial. I ask unanimous consent that the editorial be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 23, 1966]

WRONG WAR IN VIETNAM

President Johnson has taken the only possible line toward the political civil war in South Vietnam. In his weekend news conference he called on the rival factions to settle their differences at the polls and not in the streets. So long as there is hope of a peaceful settlement, that must be sought.

At the same time, realism demands that the alternatives be faced. The conflict between the Ky Government and the opposition Buddhists steadily worsens. Premier Ky told a Times correspondent that he considers his chief Buddhist rival, Thich Tri Quang, a Communist and that he will have nothing to do with him. Marshal Ky possesses the tanks, machine guns and planes—all furnished to him for other purposes by the United States—that could enable him to crush a Buddhist rebellion. But he cannot win a purely military victory against Buddhism any more than the United States can win a purely military victory against Communism.

The vital conflict everywhere in Vietnam is in the political sphere. So long as there

are disaffected Buddhists in South Vietnam, no Government in Saigon can be safe from an internal conflict that, in turn, will increase the country's vulnerability when it comes to the Vietcong.

This internal struggle has already had the effect of pushing the war against the Vietcong and the North Vietnamese into the background. Yet, the American military force is in Vietnam to fight against the Communists and on behalf of freedom, democracy and self-determination, according to innumerable statements by United States leaders. In this situation, a continuation of the civil strife would inevitably force the United States into an anguished reappraisal of its role in Vietnam.

It is paradoxical that as the situation in South Vietnam deteriorates, the American commitment in troops and every other respect escalates. This policy in itself, will call for a reappraisal if the contending factions do not, as President Johnson pleads, stop fighting each other and hold the promised elections.

Each element in the struggle—the Saigon Government, the Buddhists, the Catholics, the Communists and the Americans—has to decide what is best for itself and act accordingly. Premier Ky, Thich Tri Quang and the various bickering forces should stop to think what it could mean to them and to South Vietnam to compel the United States to reconsider its policies. They are not fighting in a vacuum. Although they are close to a point of no return, there is still time to call a halt, hold elections and get on with the business of fighting the Vietcong—not each other.

CAMBODIA—SANCTUARY

Mr. SYMINGTON. Mr. President, during a trip to Vietnam I visited the site of the battle of the Ia Drang valley, which had occurred several weeks before, with the heaviest American casualties of the war.

In this battle United States and South Vietnamese forces finally pushed an estimated North Vietnamese division out of South Vietnam and across the Cambodian border in the vicinity of Chu Pong Mountain.

During the bombing pause the enemy engaged in a large-scale buildup in the south, and that buildup continues.

Now that the monsoons are returning to South Vietnam, a major attack may soon come, again from North Vietnam and Vietcong troops, which I have on good authority are now assembling in Cambodia, across from the South Vietnamese II Corps zone.

This brings up again what responsible military leaders emphasized to us months ago—that Cambodia continues to function as a personnel and equipment sanctuary for these Communist forces.

CORNELIUS J. HAGGERTY—RESOLUTION OF THE CALIFORNIA STATE SENATE

Mr. KUCHEL. Mr. President, earlier this month the Senate of the State of California passed a resolution extending sincere sympathy and best wishes for a speedy recovery to a distinguished Californian, Mr. Cornelius J. Haggerty.

Mr. Haggerty is the president of the AFL-CIO Building and Construction Trades Department.

I am glad to count him as a friend, and a friend for the last quarter of a century and more. I am confident that those of us who know him in this Chamber—and that is nearly all Senators—feel exactly as I do.

Mr. Haggerty brings to American labor a great force and a great skill, enhanced in a large part, I suppose, because of his Gaelic background, coming from Boston, Mass.

Mr. President, I ask unanimous consent that the text of the California Senate resolution be incorporated in the RECORD, and in doing so, extend to Neal Haggerty best wishes of all of us for a speedy and permanent recovery.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

[From the Senate Journal, May 3, 1966]

RESOLUTIONS

The following resolutions were offered:

By Senator Burns:

SENATE RESOLUTION NO. 140

(Relating to Cornelius J. Haggerty)

"Whereas, It has come to the attention of the Senate that Cornelius J. Haggerty is temporarily unable to perform his customary services due to illness; and

"Whereas, Cornelius J. Haggerty ('Neal' to most of us) is a native of Boston, Massachusetts, where he was born January 10, 1894, and came to California in 1921, made his residence in Los Angeles, and has been a citizen of the State of California since that time; and

"Whereas, He began his business life as a laboring man and was a lather by trade and a member of the Lather's Union of which he became Business Manager of Lather's Local 42 in Los Angeles in 1928, following which he was elected Second Vice President of the International Union of Wood, Wire, and Metal Lathers in 1929, and in 1933, was elected to the Los Angeles Building and Construction Trades Council; in 1936, was elected Vice President of California State Federation of Labor, AFL, of which he became President in 1937; has held offices of responsibility with labor organizations ever since; was appointed President of the AFL-CIO Building and Construction Trades Department in Washington, D.C. in 1960; and

"Whereas, Cornelius J. Haggerty has held important public offices, notably having been a Member of the Federal Advisory Council on Employment Security, Department of Labor; a member of the Farm Placement Committee, Bureau of Employment Security, Department of Labor; a Member of the Regional Labor-Management Committee of Defense Manpower Administration; a Member of the Board of Directors, National Housing Conference; a Member of the National Council of National Planning Association and Vice President of the International Labor Press Association, AFL-CIO; a Member of the Joint United States-Mexican Trade Union Committee and AFL Member of the Latin American unit of International Confederation of Free Trade Unions; a Member of the Board of Regents of the University of California; a Member of the Governor's Advisory Council on California Department of Employment; a Member of the Board of Trustees of the San Francisco Maritime Museum; Sponsor of the United Negro College Fund, Incorporated; a Member of the Archdiocesan Committee for Catholic Charities; a Member of the Advisory Committee on Rehabilitation of Industrially Injured of the Senate Department of Education; and numerous other offices reflecting the trust and confidence imposed in him by all who knew him; and

"Whereas, Cornelius J. Haggerty is well-known to the Members of the Senate due to his many years as a representative of labor at the Legislature of the State of California: Now, therefore, be it

Resolved by the Senate of the State of California, That the Members of the Senate regret the physical impairment of the activities of this highly respected representative of labor and desire by this resolution to convey to him our most sincere sympathy and to express the hope that his recovery will be speedy and permanent; and be it further

Resolved, That the Secretary of the Senate is directed to transmit a suitably prepared copy of this resolution to Mr. Cornelius J. Haggerty."

Resolution read, and unanimously adopted on motion of Senator McCarthy.

WARNING LABELS NEEDED ON CIGARETTES FOR EXPORT

Mr. MOSS. Mr. President, earlier this session two of our distinguished colleagues, the senior Senator from the State of Washington and the junior Senator from the State of Oregon, called attention to the clandestine activities of the U.S. Department of Agriculture with regard to the promotion of cigarette smoking around the globe. I am speaking, of course, of the movie, "The World of Pleasure," depicting the so-called joys of cigarette smoking and the television commercials for various cigarettes which have been subsidized by the Department of Agriculture. May I say for the record that I shared the amazement and sense of outrage of these Senators when I first learned of these activities, and my displeasure has not faded during the subsequent weeks and months. I considered it then, and I consider it now, highly improper for any agency of the U.S. Government to be engaged in promoting cigarette smoking either here or abroad in light of the findings of the Surgeon General's Advisory Committee on Smoking and Health in 1964 and the action of this Congress in 1965 with respect to cigarette labeling.

In an editorial on this subject entitled "A Shameful Campaign," the Christian Science Monitor stated:

In a government as vast as America's, it is perhaps not surprising that the right hand may not always know what the left hand is doing.

This is what I call bending over backwards to be charitable. I myself find it impossible to believe that the Department of Agriculture was unaware of the other activities of the Government aimed at discouraging the harmful practice of smoking and the declaration of policy of this Congress found in the Federal Cigarette Labeling and Advertising Act approved last July. Furthermore, I find it most disturbing that an agency of the Federal Government is engaging in propaganda efforts of this type and attempting to hide its sponsorship role from the people who are viewing the movie and television commercials in question.

There are still other considerations involved here. One of these is that the movie, "The World of Pleasure," was originally scheduled for distribution in 15 countries, including England, Belgium, Denmark, Sweden, and Norway, all of which have policies restricting cigarette

advertising and discouraging the consumption of cigarettes. I am sure the governments of those countries would be somewhat less than grateful to us for our part in producing "The World of Pleasure" and showing it to their people under the guise of a travelog.

We must also remember that if cigarettes are harmful to Americans and medical research shows that they are indeed harmful, they are likewise injurious to the health of our neighbors in other countries. U.S. counterpart funds which have been used to subsidize this movie and cigarette commercials in Europe and Asia were intended to be used to raise the standard of living, improve education, and contribute to the general welfare of the people of those nations. It is a travesty, it seems to me, to spend the funds instead for the promotion of a product which will bring disease and premature death to thousands upon thousands of men and women who use it.

There is an old proverb which some of you may know, It is:

He buys honey too dear who looks it from thorns.

I have often thought of it in connection with cigarette smoking, for if there is in fact any pleasure in smoking, it is pleasure that is bought at great cost. According to the findings of the Surgeon General's Advisory Committee on Smoking and Health, cigarette smoking is associated with a 70-percent increase in the age-specific death rates of males, and to a lesser extent with the increased death rates of females. I am speaking now of deaths from all causes, not just lung cancer. In other words, smokers run a substantial risk of early death from heart disease, ulcers, various respiratory conditions, and other diseases as well as from cancer. Every smoker thinks, "Well, it won't happen to me," but it often does happen to him and he pays a fearful price for his earlier "pleasure."

Mr. President, I urge that action be taken to insure that the Department of Agriculture and any other Government agency which might be involved in similar activities never again engage in promoting cigarette smoking either here or abroad. I would also go a step further, Mr. President, and ask for an amendment to the Federal Cigarette Labeling and Advertising Act. As my colleagues will recall, cigarettes manufactured or packaged in this country for export were specifically exempted from the warning label requirement. The more I think about this, the more convinced I become that we owe to foreign purchasers of our cigarettes the same protection and warning we provide to U.S. citizens. Such a warning label may be completely ineffective in reducing cigarette consumption, but we will have done our duty in making the risk known.

John Lavater, a well-known Swiss theologian, once wrote:

He who freely praises what he means to purchase, and he who enumerates the faults of what he means to sell, may set up a partnership with honesty.

If we, as a nation, want "to set up a partnership with honesty," I think we might well begin by requiring a warning label on all cigarettes for export as well

as on those for domestic use. Let us be forthright about the dangers inherent in smoking whether we are dealing with our own people or with our neighbors in other countries.

As the Members of this body know, I have long been disturbed about the hazards in cigarette smoking and have been particularly concerned about the use of cigarettes by young people. During the 86th and 87th Congresses I introduced legislation to assist the States in informing schoolchildren regarding the harmful effects of tobacco. During the 88th Congress I introduced a bill to place tobacco products under the jurisdiction of the Food and Drug Administration. At that time I also appealed formally to the major networks to impose restraints on cigarette advertising. Then last year I was proud to be a cosponsor of S. 559 which was enacted as the Federal Cigarette Labeling and Advertising Act. While the act was not quite as strong as some of us might have wished, I think it was an important step forward. I feel very strongly, however, that it was a mistake to exempt cigarettes intended for export from the labeling requirements, and I hope the Congress will correct this situation without delay.

I know that some of my colleagues were reluctant to impose warning labels at all because of the economic implications for the tobacco industry. When S. 559 was under consideration, I reminded the Senate of our duty to act in the interest of the welfare of the entire Nation. And I think the action taken that day was indeed motivated by a desire to protect the public welfare. Today I am not speaking of our constitutional duty to the people of this country but of our moral duty to those who buy our products. Edmund Burke once said:

What morality requires, true statesmanship should accept.

I maintain that morality requires us to place warning on all cigarettes produced or packaged in this country, and I hope that as true statesmen we will accept this necessity.

SCHOOL MILK ADMINISTRATOR ADMITS THAT CHILD NUTRITION ACT WOULD NOT REACH A MAJORITY OF NEEDY CHILDREN WITH FREE MILK

Mr. PROXMIRE. Mr. President, last week I referred to testimony by Department of Agriculture officials before the Agriculture Subcommittee of the Senate Appropriations Committee in stating that if the special milk program for schoolchildren was to be cut by 80 percent needy children might well receive no assistance under the program. All milk supplied under the program might well go to schoolchildren attending schools without a lunch program.

However, even if the Department's assumptions are correct, and \$10 million were to be set aside for the needy, this would not begin to take care of the almost 5 million children from families with incomes of under \$2,000 per year. In fact it would take care of only 1 million needy children.

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and Dr. Elmer Kiehl, dean of the University of Missouri College of Agriculture. The Commission will have some most interesting information to report, and we hope some constructive suggestions.

The work of this Commission has been followed with great interest by many Members of the Congress, by economists and farm reporters.

One of the most able economist-reporters in America, who presents with clarity and appreciation many of the complex problems in our society, Sylvia Porter, devoted a column this last week to the questions being studied by the National Commission on Food Marketing.

As one who has long believed that the American farmer, by his productive genius, has made a most significant contribution to our high standard of living, I was glad to note that Miss Porter states in her column:

Since 1950, the cost of marketing of food has climbed 25 percent while the farm value of food actually has declined.

For the readers of the CONGRESSIONAL RECORD who might have missed Miss Porter's comments, I ask unanimous consent that her column, "Prices Between Farm, Store," as it appeared in the Washington Evening Star on May 17 be inserted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Star, May 17, 1966]
YOUR MONEY'S WORTH—PRICES BETWEEN FARM, STORE

(By Sylvia Porter)

The U.S. farmer will be getting an average of 4 cents for a pound of lettuce in the final quarter of 1966, according to authoritative projections. But the U.S. consumer will be paying an average retail price of 26-28 cents for the same lettuce. Lettuce doesn't go through a transformation between farm and store—comparable to, say, the change from a pound of hog on the hoof to a pound of pork on the counter. A head of lettuce is a head of lettuce is a head of lettuce.

The farmer will be getting about 38 cents for a dozen eggs at year end, according to the same projections. But you'll be paying an average of 52-54 cents for these eggs. Eggs don't go through a transformation either. An egg is an egg is an egg.

A pound of potatoes should be bringing the farmer 1.7 cents in the last quarter while you'll probably be paying 5½-6½ cents. The above observations apply to potatoes, too.

Where does the money go between farm and store? It goes into all the operations lumped under "food marketing": Transportation, processing, packaging, displaying, advertising, promoting, selling. It goes into an ever-widening number of store services: Big parking lots, check-cashing, baby-sitting.

The farmer's share of the \$1 you spend for food rose from a postwar annual low of 37 cents in 1964 to 41 cents in the first quarter of this year, reflecting generally higher farm prices and bringing net realized income per farm to an estimated \$4,600 in 1966, an increase of 55 percent since 1960.

Nevertheless, a full 58 cents of your dollar still is going to the "Intermediaries." Since 1950, the cost of marketing of food has climbed 25 percent while the farm value of food actually has declined.

The food price spread has risen so relentlessly—in times of falling as well as rising farm prices—that Congress in 1964 established a National Commission on Food Marketing and ordered it to make an exhaustive probe into every aspect of the spread. After

more than a year of investigation, the commission is slated to release its findings on June 30.

Its recommendations to Congress well may carry some explosive implications. While the commission's findings are a secret, an informed report is that it will make "critical observations" about the parts played in retail food prices by advertising, trading stamps and such marginal services as baby-sitting.

Of course, much of the rise in the spread between farm prices and retail food prices is easy to explain.

On our side, we're demanding and getting an enormous array of services ranging from elaborate parking lots to dazzling display cases for perishables. We're trading up to more and more convenience foods, pre-cut, pre-cleaned, pre-frozen, all processes which cost money. We're generally buying more expensive meats, fruits, vegetables.

On the marketer's side, there's no doubt that costs of most processing and marketing services have been increased steadily. In food marketing firms, average hourly wages are 86 percent above 1950. Also on the retailer's side, there are the inevitable hidden expenses of spoilage and trimming.

Relatively speaking, food remains a bargain, taking an average of only 18.2 cents of each of our after-tax dollars.

But the warning to the food industry, largest in our nation, is clear: With the Marketing Commission's report on the price spread coming up and with consumer resentment over food prices so widespread, it will be in a hot spotlight in coming months.

What's more, if a substantial percentage of the projected slide in farm prices is not reflected in declining food prices, the industry also could be on the hot spot.

Mr. SYMINGTON. Mr. President, were it not for the productivity of American agriculture, food prices would be far higher than they are today; and American families would be spending much more than the 18.2 cents of each after-tax dollar of personal income for food.

PHASING OUT OF CERTAIN DEFENSE INSTALLATIONS—SPRINGFIELD ARMORY

Mr. SALTONSTALL. Mr. President, on November 19, 1964, the Secretary of Defense announced that a number of defense installations, including Springfield Armory, were to be phased out. Shortly thereafter a group of Armory employees joined with civic and Government leaders to form the Springfield Armory Technical Committee, and Henry T. Downey, a certified public accountant in Springfield, offered his services to draw up their arguments against the proposed closing.

Since then Mr. Downey and the Committee have worked diligently without pay to preserve Springfield Armory for the defense of our Nation and to assist the Springfield community and its people. A presentation of their arguments was made to Secretary McNamara in his office in the Pentagon and later he visited the Armory itself. This presentation was so thorough, so meticulous, and so convincing that the Secretary ordered an entirely new study of the Armory by an independent firm of management consultants. Last fall this firm rendered its report, basing its advice that the Armory should be closed not so much on the competitive position of the Armory,

as on the stated policy of the Defense Department that an effort should be made to have all possible manufacturing contracts carried out by private industry.

The Springfield Armory Technical Committee and Mr. Downey again analyzed their figures, collecting new ones, and made a report to the Senate Preparedness Investigating Subcommittee. This too was a most thorough presentation and covered all aspects of the Armory. While it differed in some respects from the approach taken by the Defense Department, the Technical Committee's and Mr. Downey's presentation gained the admiration of the subcommittee.

Mr. President, this kind of a discussion is a much more useful discussion than ones we have seen in some cases where highly emotional appeals well founded in concern for the individuals involved have been made for the restoration of defense establishments. The overall concern of our national defense and our national economy deserve a thorough discussion in terms of cold facts as well as the facts of human understanding. The Springfield Armory Technical Committee made such a presentation.

When the President and Secretary of Defense eventually determined the Armory should be closed, they based this decision on how the Armory fitted into overall policy. The Defense Department through its independent management consultants indicated that the Armory was competitive in many areas due to the skills and energies of its employees.

One of the Springfield Armory's older buildings has the date 1796 over its door. Its newer buildings have the most modern machinery available anywhere for the production of small arms. From the Flintlock Brown Bess musket to the M-14, from the handcranked Gatling gun to the terrible, modern Vulcan machine cannon, and from the battles of the War of 1812 to those in the rice paddies of Vietnam, Springfield Armory and its people have made a contribution to the defense of the United States. These men and women deserve our respect and our gratitude.

MORALITY OF U.S. COMMITMENT IN VIETNAM

Mr. DODD. Mr. President, in the interest of peace and freedom, men of all religions joined together during World War II to eradicate the threat of the Nazi philosophy of tyranny, racism, and the degradation of the individual.

Religious leaders at that time saw no conflict between Judeo-Christian principles and the need to defend such principles by the use of force.

They remembered the philosophy enunciated by St. Augustine who said that "just wars are usually defined as those which avenge injuries."

They recalled that St. Thomas had pointed out that for a just war to exist, three things are necessary:

First, the authority of the sovereign by whose command the war is to be waged. Secondly, a just cause is required, namely that those who are attacked should be attacked because they deserve it on account of some fault. Thirdly, it is essential that

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Francisco 2, California, phone Klonidke 2-2833, Ext. 6461-6462.

Harry J. Trainor, Assistant Commissioner (Inspection), Internal Revenue Service, Room 3033, 12th Street and Constitution Avenue, Washington 25, D.C., phone: STerling 3-8400, Ext. 656-657.

The identity of a reporting employee and the information or facts reported shall, when requested, be maintained in confidence. It shall not be required that an employee advise his supervisor concerning a complaint or allegation which the employee makes directly to inspection, this office, or the National Office. This privilege, however, is to be carefully distinguished from the obligation of every employee to follow established supervisory lines of authority in presenting job-connected grievances involving internal administrative problems, as defined in RC-3rd Memorandum No. 54-21, "Procedures for Grievances, Hearings and Appeals" (see particularly part E therein and my office memorandum on the same subject addressed to all employees on April 23, 1964).

3. *Documentation of Employee Report.* A written or verbal report of misconduct or irregularity should contain all of the known facts and information, and the reporting employee should also identify himself. False complaints or allegations, made for malicious reasons, will not be tolerated.

4. *Communication of Employee Report through Supervisory Channels.* Employees may, if they desire, submit complaints of misconduct or irregularity through their supervisors. In such cases, the supervisors will promptly transmit through appropriate channels such complaints or allegations to inspection for necessary action. It is the responsibility of the District Director in the district office and the Regional Commissioner in the Regional Office to insure that this policy is promptly and effectively carried out when the employee chooses this course of action.

5. *Posting of Instructions.* A copy of this Memorandum and its attachment shall be conspicuously posted at each space occupied (noncontiguous building) in which employees are stationed within this region, together with copy of IR-Mimeograph No. 51-134 and its attachments.

E. C. WRIGHT,

Regional Commissioner.

Attachment: List of Types of Cases.

Distribution: All Employees.

ATTACHMENT TO: IR-SR-MEMORANDUM NO.

13-19

For reference purposes only, there is attached a list indicating types of cases which should be referred to the Offices of Regional Inspectors for investigation. This list is furnished as a guide and is not to be considered as all inclusive.

1. Alleged solicitation and/or acceptance of a bribe.
2. Alleged solicitation and/or acceptance of fees and gratuities for preparation of tax returns.
3. Alleged solicitation and/or acceptance of fees and gratuities for legal work.
4. Alleged use of official position to gain favors.
5. Alleged extortion.
6. Alleged embezzlement.
7. Alleged shortages and/or irregularities in accounts.
8. Alleged misappropriation of government funds.
9. Alleged improper handling of tax materials.
10. Alleged improper conduct during a tax examination.
11. Alleged collusion with taxpayer and/or taxpayer accountant.
12. Alleged outside bookkeeping and/or accounting service.
13. Alleged outside employment without permission.

14. Alleged improper financial transactions with taxpayers.
15. Alleged Hatch Act violations.
16. Alleged association with gamblers, racketeers, and other persons of ill repute.
17. Conspiracy to defraud the United States government.
18. Recommendation of accountant and/or lawyer to taxpayer.
19. Alleged criticism of taxpayer's account and/or lawyer.
20. Alleged collusion with law violators.
21. Alleged solicitation and/or acceptance of gifts and favors from taxpayers who have or have had matters pending before the Bureau.
22. Alleged living beyond means.
23. Issuance of worthless checks.
24. Financial interest in manufacture of tobacco or production, rectification or distillation of distilled spirits.
25. Participation in presenting taxpayer's claim against government.
26. Alleged improper conduct during official investigation.
27. Recognizing and holding conferences with persons known to be disqualified.
28. Failure to report in writing violation of any revenue law, or of fraud committed by any person against the United States under any revenue law.
29. Alleged misappropriation of government property.
30. Abandonment of post of duty.
31. Destruction or altering of government records.
32. Excessive use of intoxicants and/or intoxication while on duty.
33. Excessive use of intoxicants and/or intoxication while not on duty.
34. Arrest for misdemeanor and/or felony (not connected with official duties, government funds or property).
35. Alleged falsification of daily report.
36. Making or presenting false, fictitious or fraudulent claims with the intent of cheating or defrauding the government.
37. False statements while under oath.
38. Excessive gambling or betting.
39. Filing of false personal income tax returns.
40. Failure to pay personal income taxes and to pay other personal and family debts.
41. Use of narcotics.
42. Failure to report in writing any dereliction or malfeasance on the part of any internal revenue employee.
43. Divulging information on return or of a confidential nature.
44. False execution of jurat.
45. Acting as attorney or agent for taxpayer in the prosecution of any claim against the United States.
46. Use of outside influence to obtain public office or promotion.
47. Speculating in stocks, bonds, or commodities.
48. Soliciting contributions from government employees for gifts to official superiors; acceptance of gifts by official superiors.
49. Purchase of surplus seized, etc. property offered for sale by authority of the United States.
50. Deviation from complete loyalty to the United States; membership in, affiliation with, or sympathetic association with organizations designated by the Attorney General as totalitarian, fascist, communist or subversive.
51. Unnecessary exposure or display of firearms by employees authorized to carry firearms.

Mr. LONG of Missouri. Questions 5 through 8 involve a very unusual situation surrounding attempts by District Director Cullen and Regional Commissioner Hawkins to force Audit Chief Salter to retire involuntarily.

Despite Commissioner Cohen's dis-

claimer, there may be a very strong connection between the Sherar situation and the attempt to get rid of Salter. In any event, it is curious indeed that, despite requests from the subcommittee, IRS's Inspection Service doggedly refuses to interview Sherar and Salter.

And why, when IRS was trying to force Salter to resign did Regional Commissioner Hawkins write a letter to the Public Health Service about Salter? And why will they not make a copy available to him to use in his own defense? The answer to this last question we know: Because it would show that Regional Commissioner Hawkins committed an inexcusable breach of ethics when he dispatched the letter. It is a "privileged executive communication" for one reason and one reason alone: it would blow IRS's case against Salter sky high and indicate to the world the tactics that IRS uses against its own employees.

In time, this letter about Salter will be made public, either in court or in the CONGRESSIONAL RECORD, or both.

As of this moment, I am entirely dissatisfied with the record in the Sherar situation. IRS has not and apparently will not investigate thoroughly and impartially to see if there was improper tampering in the series of cases leading to Sherar's firing. If there was dishonesty there, are there other similar cases?

And why is IRS so hog-wild-bent on getting chief of audit Salter out of the way?

I am writing to the Secretary of the Treasury to see if he will not order an investigation by Treasury personnel entirely removed from IRS.

IRS wonders out loud why we investigate them so long. If their attitude does not become more cooperative, this investigation may go on for a long, long time.

Mr. President, I yield the floor.

THE RELATIVE DECLINE IN FARM PRICES

Mr. SYMINGTON. Mr. President, for many years there has been great and growing interest, not only here in the Senate, but also in every home in America as to what happens to the cost of our food and fiber between the time it leaves the farm and is sold at retail to the American housewife.

All too often, as prices to the farmers have gone down, retail prices have gone down, retail prices have stayed up or risen, seldom have they dropped. Because of this interest, some 2 years ago, the senior Senator of Wyoming [Senator McGEE] introduced a resolution calling for the appointment of a National Commission on Food Marketing, authorizing this Commission to make an exhaustive analysis of every aspect of food marketing. That Commission will be reporting by June 30.

As one of the cosponsors of the resolution calling for this Commission, I was, of course, pleased when two able Members were appointed from Missouri, Congresswoman LEONOR SULLIVAN, of St. Louis, known nationally for her interest in all policies affecting consumer prices,

the belligerents should have a rightful intention so that they intend the advancement of good, or the avoidance of evil.

Our religious doctrine almost from Biblical times has never believed war in itself to be either wrong or immoral. It has, instead, judged the morality of war upon the basis of the cause it serves.

The current conflict in Vietnam has stimulated much criticism by church groups and religious leaders. Often it appears that the bulk of religious sentiment opposes the use of force in all circumstances. This, however, is not the case, for critics represent only a vociferous minority. The majority of religious leaders, Protestant, Catholic, and Jewish, recognize that in Vietnam we serve the cause of freedom, independence, and self-determination. They understand that this commitment is consistent with our religious philosophy which has always stressed the dignity of man. Any tyranny which degrades the individual is one which as Christians and Jews we cannot help but oppose.

A recent article by Albert Vorspan, published in "American Judaism," the publication of the Union of American Hebrew Congregations, stated:

Immorality of American actions in Vietnam arises from our "peculiarly American brand of obsessive anti-Communism."

This article went on to say that "Vietnam is not comparable to Munich and Hitler."

The position taken by Mr. Vorspan has since been criticized by many Jewish leaders who are interested in making it clear that this statement does not represent their view.

Mr. Monroe R. Sheinberg, national executive director of the Jewish War Veterans of America, refutes Mr. Vorspan's analysis in an article in the current issue of the "Jewish Veteran." He states:

In World War II, all Jews resolved their basic conflict between love of country and love of peace in favor of love of country. Why, in Vietnam, do some suddenly prefer peace, even if it means Communist takeover? And why do some, like Mr. Vorspan, when it comes to trust and faith in their country, reverse the age-old American presumption of innocence until proven guilty!

Mr. Sheinberg's article is a perceptive discussion of many of the issues involved in the morality of our current commitment.

I wish to share it with my colleagues, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEMO FROM NATIONAL
(By Monroe R. Sheinberg, National Executive
Director)

(The following is not to be interpreted as an attack on Reform Judaism. In fact, I write this as a lay member of a Reform Temple affiliated with the Union of American Hebrew Congregations. It and this month's editorial are designated to raise specific questions regarding the personal views of staff members of the organization. The position of President and Director of the Programs represent the top leadership in the UAHC. With their views, we sharply disagree.)

"VIETNAM AND THE JEWISH CONSCIENCE"

That is the title of a featured article by Albert Vorspan in the Passover 1966 issue of *American Judaism*, the publication of Reform Judaism in America. Mr. Vorspan is a high-ranking member of the staff of the parent body, the Union of American Hebrew Congregations; a preface to the article describes it as "an expression of personal opinion." In spite of such a disclaimer, it is obvious from all the background circumstances that the article purports to be official and authoritative.

Mr. Vorspan's thesis may be briefly summarized as follows:

"We Jews should be concerned with the Vietnam crisis because

"We must help maintain a healthy climate of civil liberties,

"Escalation of the war threatens support for the Great Society,

"Jews are traditionally fighters for peace,

"Immorality of American actions in Vietnam arises from our 'peculiarly American brand of obsessive anti-communism,' causing us to mislead our own people about so-called 'aggression,' etc.

"Vietnam is not comparable to Munich and Hitler."

Having stated the foregoing, as well as a viciously hostile interpretation of Americans actions in Vietnam, Mr. Vorspan then indulges in tired platitudes for "instant peace." His proposed solutions: Discontinue the bombings, once more. Renew diplomatic attempts to negotiate for peace. Keep reminding the world of the ancient Jewish belief that he who saves one life saves a world.

Two burning, basic questions still remain:

1) If the United States again discontinues bombings (for how long and what happens to our soldiers meanwhile?) and we do everything possible to bring about negotiations towards peace, but Hanoi still refuses, *what then?*

2) What makes this war *more immoral* than World War II? Mr. Vorspan, no pacifist, fought in that one; Rabbis served bravely as chaplains, all without audible protest then about the role of Jewish peace-mongering.

In World War II, all Jews resolved their basic conflict between love of country and love of peace, in favor of love of country. Why, in Vietnam, do some suddenly prefer peace, even if it means Communist takeover? And why do some, like Mr. Vorspan, when it comes to trust and faith in their country, reverse the age-old American presumption of innocence until proven guilty! Mr. Vorspan's distorted version of "history," training to disprove the American position that it is in Vietnam to help repel Communist aggression, should delight Hanoi.

The Senior Jewish Chaplain in Vietnam, Major Richard Dryer, wrote:

"I certainly share the desire of all well-meaning people that this war be brought to an end as quickly as is reasonably possible. But we cannot bring this about unilaterally when we are not the aggressors, when the other side refuse even to consider a peaceful solution. For a time, we stopped the bombings of North Vietnam. This brought no cessation of Viet Cong aggression in the South. It only brought the response that no cease-fire would result from the cessation of the bombings unless this action was accompanied by a complete American withdrawal from Vietnam and a complete Communist takeover. I hate war as much as anyone, but this kind of submission is not an acceptable alternative."

A few words are in order about some of the other arguments and charges put forward. It is deliberate nonsense to state, as our author does, that there are dangerous indications of rising McCarthyism, threatening to repress and deter dissent over Vietnam.

Quite the contrary is true. Never has

there been so much dissent over a crisis or a war. Never has there been more uninhibited discussion with less repression on a vital issue of world concern. Of course, there have been a few examples of ill-advised counteraction (such as Hershey's early statements on re-classifying dissenters, and the overly-harsh penalty for draft card burning).

But what many dissenters seem to be demanding is more than freedom from repression, they expect to be immune from criticism.

If a Vietnam dissenter cannot stand the heat, he should stay out of the kitchen. I say to him that I affirm his right to dissent, and to object to our Vietnam policy, and to state what he considers to be the facts and their implications in any way, he wishes.

But, having said that, I also aver strongly that our dissenter's version of the 'truth' of the history and background of the Vietnam crisis is distorted, inaccurate and unworthy of Jewish respect for truth.

Much is made of the undemocratic regimes we support in Vietnam, and elsewhere. We don't try to impose American type democracy on countries unsuited or unwilling. We do try to urge more democracy where we help. At all events, the worst that could befall such country is communism, and that we try to help them prevent.

Another example of the author's lack of perception is his snide and critical thrust at U.S. action in Santo Domingo. Today's newspaper, as I write this, cites the statements of two top members of Santo Domingo's Communist Party, exactly what our Government and many Americans feared, that the Reds were about to attempt to take over that country, but were forestalled by American intervention. This was published in *World Marxist Review*, the authoritative worldwide Communist publication, for the benefit and edification of Party members.

The author, and his many well-motivated fellow myopes are pitifully unable to see the grim fact that peace is as bilateral as war; as long as one side wishes to continue fighting, peace is impossible. Our Government's resolve, publicly stated clearly and sincerely, is to offer, negotiate for peace, but to continue to resist aggression until peace is won, or the aggression ceases.

We support that position. I believe most Jews, most Americans, most free men do.

FOREIGN INVESTMENTS IN INDIA

Mr. LAUSCHE. Mr. President, I ask unanimous consent that a news report carried in the Sunday, May 15, issue of the *Washington Post*, "Breakthrough Seen for Foreign Investors" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BREAKTHROUGH SEEN FOR FOREIGN INVESTORS

NEW DELHI, May 14.—A breakthrough for foreign private investors shaped up today as India agreed to form a partnership with the American International Oil Co. to build and operate a \$60-million farm-fertilizer plant in Madras.

The agreement is unique because it gives the private firm managerial control of the plant—a concession denied to many other prospective foreign investors which then have gone elsewhere.

Mr. LAUSCHE. Mr. President, India has no graver problem than the responsibility of providing food to sustain the lives of its inhabitants. In this responsibility, it has failed indefensibly and inhumanely. Its officials have insisted

upon a socialistic governmentally operated economy as the solution of the problems of its hungry people.

The American International Oil Co. for several years has been prepared to build a \$60 million farm-fertilizer plant, being one of the primary steps that must be taken in India to provide food for its inhabitants. The officials of the Indian Government, however, adhering to their concept that socialism will provide the cure for the problems confronting the Indian people insisted that if the American International Oil Co. did build a fertilizer plant in India, the management of it would have to be vested in the Indian Government. The American International Oil Co., of course, refused to hazard a huge investment of its dollars while it was denied the right to manage and that right was placed in the socialist government of India.

India adhered to its socialistic philosophy; the American International Oil Co. prudently refused to invest its money in a farm-fertilizer plant in India unless the management of the plant was placed in the hands of the investors and not in those of the Indian socialist government.

The aforementioned news report pointing that the officials of India have finally recognized that it will be in the best interest of the hungry inhabitants of this nation of 500 million people to allow investors of the United States to build a fertilizer plant and to operate it under the management of skilled U.S. personnel.

No more important forward step has been made by the officials of the Indian Government than the decision to allow foreign investors to build a \$60 million farm-fertilizer plant in partnership with the Government of India but allowing its management to be in the hands of the foreign investors skilled and learned in the management of such plants.

FREEDOM OF SPEECH

MR. BAYH. Mr. President, many colleges and universities have been troubled by the question of whether speakers who espouse the Communist cause should be allowed to address student groups at their schools. Recently the president and board of trustees of Indiana University were urged by some persons to forbid a speaker, who admittedly was a member of the Communist Party USA, to appear on the Bloomington campus of that institution.

In refusing to cancel this scheduled engagement, both Elvis J. Stahr, president of the university, and Frank E. McKinney, president of the board of trustees, asserted the importance of preserving and defending the constitutional guarantee of freedom of speech. Despite their firm opposition to communism as a philosophy and way of life, these administrators pointed out that the enemies of freedom would be pleased if we took actions of this type which undermine the very foundations of the Bill of Rights by adopting the tactics of a totalitarian regime. As President Stahr wrote, it does not appear that "a closed campus is a sound way to engender belief in an open society."

In an article which appeared in the Indianapolis Star on May 6, Mr. McKinney stated that he had "strong faith in the intelligence of our students to separate fact from falsehood." Because of the universal significance of the points which he makes, I ask unanimous consent that this article by Mr. McKinney, along with an editorial which appeared in the Indianapolis News on May 9, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Indianapolis Star, May 6, 1966]

I.U. EXPRESS FAITH IN INTELLIGENCE OF STUDENTS HEARING "OTHER SIDE"

(By Frank E. McKinney, president, board of trustees, Indiana University)

The Trustees of Indiana University have been asked by numerous, serious-minded Hoosiers to order the cancellation of the engagement of Herbert Aptheker to speak on the campus at the invitation of a small group of students.

They have emphasized the contradiction and the frustration of permitting an American citizen who is a member of the Communist Party USA, to speak on public property of the university before an audience of students and faculty and the press at a time when our United States is engaged in armed conflict in Viet Nam to contain Communist aggression.

They would unwittingly have us deny the constitutional guarantee of freedom of speech in the anger and frustration of the world situation at this point in history.

We loathe and despise Communism and so does the president of our university. But we are aware that the enemies of our freedom would like nothing better than to destroy it by undermining our belief in our Constitution and Bill of Rights and our free institutions. We will not assist the Communist conspiracy by denying freedom of speech and thereby martyring its mouthpiece. To martyr this man or to flatter him as a dangerous man to let open his mouth, is to grant him victory, because he will then have forced us to abandon our own principles.

We have strong faith in the intelligence of our students to separate fact from falsehood, to differentiate indoctrination from education and to expose the hypocrisy of a Communist whose system, wherever it is in control, has brought violence and suppression to millions.

As Lt. Gen. Lewis B. Hershey said on the I.U. campus the other night:

"This country is too big to be afraid of anybody's talking about it. Communism has no Bill of Rights. We do have. Banning this talk would advance this man and his cause more than any favor you could bestow upon him."

We agree with Gen. Hershey. With regard to the DuBois Club, we have supported the position that the Subversive Activities Control Board should have time to determine its status. We have done this in the interest of the American principles of fundamental fairness and due process.

However, if the Subversive Activities Control Board has not acted upon the attorney general's petition by the time of our board meeting at commencement, we propose to review the entire policy of the university with regard to the registration of student organizations in a thorough and aggressive manner.

[From the Indianapolis News, May 9, 1966]

I.U., WE'RE SORRY

In this column last Friday we indulged in comment about the officials of Indiana University in connection with the visit to the

I.U. campus of Herbert Aptheker, a recognized spokesman for the Communist party.

The News was ill-advised regarding the circumstances surrounding Aptheker's visit to Bloomington—our comment and criticism was harsh and unjustified. We are sorry.

Teaching Communism in our schools as an economical and political way of life is an entirely different matter than listening to what some Communist leader has to say.

The right of free expression is the fundamental right of all liberty. We try to practice what we preach and that means even if we don't agree with anything you say we will defend to the death your right to say it.

If the American system of free speech and free enterprise cannot survive exposure to communistic propaganda and exploitation then indeed the American system is weak and vulnerable.

But we believe it is the best in the world and can withstand attack from anybody in the world. Let the Communists and the Socialists and the neutrals have their say. The American performance and record in contrast to theirs will always win out.

Remember America is great only because America is free—in this case free without fear to hear both sides.

DEATH OF FORMER GOV. DAN MOODY, OF TEXAS

MR. TOWER. Mr. President, the State of Texas and the Nation yesterday lost one of their most distinguished citizens—former Gov. Dan Moody.

Governor Moody retired from politics at an age before many even give thought to entering the field. At 37 he had completed two terms as Governor. He said at that time that he wished only to continue his law practice and become a better lawyer, and he subsequently went on to become one of Texas' foremost attorneys, though his influence in State and national politics and government continued until his death.

Governor Moody began his career as a State District Attorney at age 27, and subsequently, as the State's youngest Attorney General, became known for strict enforcement of the law, particularly against illegal Ku Klux Klan practices. While Attorney General, he personally handled much of the State's litigation.

After serving one term as attorney general he was elected Governor and served two terms. Most noteworthy during his terms were undoubtedly the tremendous strides which were made in the fields of education and highway construction.

I extend to the family, as I know do my colleagues, the deepest of sympathy at this time.

LIBRARY SERVICES UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT

MR. MUSKIE. Mr. President, during its deliberations on Federal assistance to education in 1965, many pressing problems of our public and private schools were brought to the attention of the Congress. Among these urgent problems, we became aware that nearly 30 percent of our public schools had no school library services. Title II of the comprehensive Elementary and Secondary Education Act corrected this situation and has put millions of new books and teaching aids into the hands of young Americans.

August 24, 1965

Rev. Dexter L. Hanley, S.J., Washington, D.C., director, Institute of Law, Human Rights and Social Values, Georgetown University Law Center.

Mrs. Birgitta Linner, Uppsala, Sweden, author, family counselor, and teacher.

Mrs. Gabrielle Edgcomb, Washington, D.C., Women's International League for Peace and Freedom.

Mr. William B. Ball, Harrisburg, Pa., general counsel, Pennsylvania Catholic Welfare Committee.

August 31, 1965

Senator MILWARD L. SIMPSON, Cody, Wyo., U.S. Senator from Wyoming.

Dr. Mary Calderone, New York City, executive director, Sex Information and Education Council of the United States (SIECUS).

Henry Caulfield, Washington, D.C., director, Department of the Interior's resources program staff.

James V. Bennett, Kenwood Park, Md., former director, Bureau of Prisons, U.S. Department of Justice.

Dr. Virgil M. Rogers, Washington, D.C., director, automation project, National Education Association; former dean of education, Syracuse University.

September 8, 1965

Clifford C. Nelson, New York City, president, the American Assembly, Columbia University.

September 15, 1965

Rep. JOHN BRADEMAS, South Bend, Ind., U.S. Representative from Third District of the State of Indiana.

Harold W. Swank, Springfield, Ill., director, Illinois Public Aid Commission.

George Wyman, Albany, N.Y., commissioner, New York State Department of Social Welfare; chairman, American Public Welfare Association Committee on Public Welfare Policy; former director, California State Department of Social Welfare.

September 22, 1965

Oscar Harkavy, Ph. D., New York City, director, population program, the Ford Foundation.

Bernard Berelson, Ph. D., New York City, vice president, the Population Council.

Irene Taeuber, Ph. D., Washington, D.C., senior research demographer, office of population research, Princeton University.

Dr. Jack Lippes, M.D., Buffalo (Kenmore), N.Y., inventor of Lippes Loop, an Intrauterine device.

LIST OF WITNESSES—1966

January 19, 1966

Dr. E. L. Tatum—New York City, biologist, 1958 Nobel Prize winner for medicine and physiology.

Dr. Dickinson W. Richards, Jr.—New York City, physician, 1956 Nobel Prize winner in medicine and physiology.

Dr. Albert Szent-Gyorgyi—Woods Hole, Massachusetts; physician, 1937 Nobel Prize winner in medicine.

Dr. Polykarp Kusch—New York City, physicist, 1955 Nobel Prize winner in physics.

January 26, 1966

Mrs. E. T. Chanlett—Chapel Hill, N.C., U.S. delegate to the Inter-American Commission of Women.

Dr. Philip M. Hauser—Chicago, Illinois, director Population Research and Training Center and Chicago Community Inventory, University of Chicago.

Dr. Luigi Mastroianni, Jr.—Philadelphia, Pa., primate research with intra-uterine devices.

Dr. Roger Lincoln Shinn—New York City, professor of applied Christianity and dean of instruction, Union Theological Seminary; adjunct professor of religion, Columbia University.

February 6, 1966

Mrs. Theodore F. Wallace—Shawnee Mission, Kansas, former national president, United Church Women, National Council of Churches.

Mr. James MacCracken—New York City, executive director, Church World Service Department, Division of Overseas Ministries, National Council of the Churches of Christ in the United States.

Dr. Raymond Ewell—Buffalo, New York, vice president for research, State University of New York, professor of chemistry and chemical engineering, consultant on research to AID, consultant on fertilizer industry for Government of India and for the United Nations.

Dean William E. Moran, Jr.—Washington, D.C., Georgetown University School of Foreign Service; president, Catholic Association for International Peace.

February 16, 1966

Mr. Richard W. Reuter—Washington, D.C., Assistant Secretary of State for Food for Peace, former executive director of CARE.

Mr. Edwin Harper—Fairfax, Virginia, guest scholar, The Brookings Institution Center for Advanced Study.

March 2, 1966

Dr. Donald M. Barrett—Professor of Sociology, University of Notre Dame, Notre Dame, Indiana. Director of the Notre Dame Institute for Latin American Population Research, and a member of the Papal Commission on Population and Birth Control.

Prof. Albert P. Blaustein—Professor of Law and Law Librarian, Rutgers University, Camden, New Jersey.

Dr. Andre J. deBethune and Mrs. deBethune—Author and professor of Chemistry Boston College, Chestnut Hill, Massachusetts.

Dr. Joseph D. Beasley—Obstetrician and Gynecologist, Department of Child Health and Pediatrics, Tulane University School of Medicine, New Orleans, Louisiana.

March 3, 1966

Hon. Orville L. Freeman—Secretary of Agriculture.

March 9, 1966

Mr. Ernst Michanek—Director General of the Swedish International Development Authority, Stockholm, Sweden.

Dr. Ulf Borell—Professor of Gynecology and Obstetrics, Karolinska Institute, Stockholm, Sweden.

Mr. Carl Wahren—Deputy head of the planning division of the Swedish International Development Authority, Stockholm, Sweden.

March 31, 1966

Dr. Kermit E. Krantz—Kansas City, Kansas; professor and chairman of the University of Kansas School of Medicine's Department of Gynecology and Obstetrics; specialist in anatomy and genetics.

Mr. Arthur Watkins—Piermont, New York, a writer and engineer who has written extensively on various aspects of housing and building construction.

Dr. Leonard J. Duhl—consultant on urban affairs for Secretary Robert C. Weaver, Department of Housing and Urban Development.

Dr. Donald N. Michael—social psychologist, resident fellow at the Institute for Policy Studies in Washington, D.C.

April 6, 1966

State Senator John Birmingham—Denver, Colorado, author of birth control bill which was approved by Colorado State Legislature.

Dr. Joseph Martin—Cleveland, Ohio, Medical Associates, who with other medical doctors is working to make birth control information available to the poor who wish to have it; participant in the 1965 White House Conference on Health.

Dr. William Vogt—New York City, ecologist, author, secretary of The Conservation Fund.

Mr. Arnold Maremont—Chicago, industrialist, lawyer, president of the Maremont Corporation, former chairman of the Illinois Public Aid Commission.

VN

OUR FOLLY IN VIETNAM BECOMES CLEARER DAY BY DAY

Mr. GRUENING. Mr. President, it is evident that the administration feels the need of a further effort to justify its illegal, immoral, and completely unjustified military invasion of South Vietnam and its steadily escalating war.

The Department of State has issued a new publication entitled: "The Legality of U.S. Participation in the Defense of Vietnam." It is notable chiefly for the pertinent facts it omits.

I ask unanimous consent that this legal memorandum, prepared by Leonard C. Meeker, legal adviser of the State Department, which was recently submitted to the Committee on Foreign Relations and is now available in reprint form, be printed in full at the conclusion of my remarks and other insertions.

There being no objection, the legal memorandum was ordered to be printed in the RECORD.

(See exhibit 1.)

Mr. GRUENING. Mr. President, among the striking omissions will be found one from the report of the International Control Commission in respect to the violations by the South Vietnamese under the guidance of the United States. The State Department's publication quotes the report as follows:

There is evidence to show that arms, armed and unarmed personnel, munitions and other supplies have been sent from the Zone in the North to the Zone in the South with the objective of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the Armed Forces and Administration of the Zone in the South.

* * * there is evidence that the PAVN (People's Army of Viet Nam) has allowed the Zone in the North to be used for inciting, encouraging and supporting hostile activities in the Zone in the South, aimed at the overthrow of the Administration in the South.

What the State Department's legal memorandum fails to include is what the International Control Commission reported concerning the far greater violations by the South Vietnamese under the guidance and with the approval of the United States, which appear in the very same report of the International Control Commission, as follows:

12. Since December 1961 the Commission's Teams in South Viet Nam have been persistently denied the right to control and inspect, which are part of their mandatory tasks. Thus, these Teams, though they were able to observe the steady and continuous arrival of war material, including aircraft carriers with helicopters on board, were unable, in view of the denial of controls, to determine precisely the quantum and nature of war material unloaded and introduced into South Viet Nam.

17. As the Commission has been denied mandatory controls, as pointed out earlier in paragraph 12 above, it has not been able

to make a precise assessment of the number of military personnel and the quantum of war material brought in. However, from 3rd December 1961, up to 5th May, 1962, the Commission's Teams have controlled the entry of 72 military personnel, and observed but not controlled 173 military personnel, 62 helicopters, 6 reconnaissance aircraft, 5 jet aircraft, 57 fighters/fighter bombers, 25 transport aircraft, 26 unspecified types of aircraft, 102 jeeps, 8 tractors, 8 105-mm. howitzers, 3 armoured carriers (tracked), 29 armoured fighting vehicle trailers, 404 other trailers, and radar equipment and crates, 5 warships, 9 LSTs (including 4 visiting LSTs), 3 LCTs, 5 visiting aircraft carriers and spares of various kinds. In respect of some of the instances of import of war materials between 3rd December, 1961, and 16th January, 1962, violations under Article 17(e) as well as violation of Article 25, have been recorded against the Republic of Viet-Nam for its failure to notify arrivals and imports as required by the Geneva Agreement, and for not affording all possible assistance to the Commission's Teams in the performance of their tasks.

The State Department brief, under the heading "IV. B.—The Southeast Asia Collective Defense Treaty Authorizes the President's Actions," proceeds to refer to article IV, paragraph 1 of that SEATO Treaty in justification of the U.S. military invasion of Vietnam. However, here is the full text of article IV:

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph I of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph I of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

It will be noted that this article IV provides that if there is aggression there shall be unanimous agreement by the signatories; that they "shall consult immediately"; and that in any event, any action taken by them should be "in accordance with its constitutional processes."

There was no consultation. The United States never asked for it. Had there been consultation, it is clear that there would not have been unanimous agreement, which the article in question requires, since neither France nor Pakistan are in accord with our policy. Third, the war which we have waged in Vietnam would have had to be "in accordance with its constitutional processes," which would mean a declaration of war by the Congress under article I, section 8 of the U.S. Constitution. So

justifying our military involvement by reference to the SEATO treaty is refuted by a reading of it.

Those are only a few of the disortions, omissions, and evasions in this State Department document. What it really does reveal, to anyone who will analyze it knowledgeably, is how utterly weak and inexcusable the case of the United States is for its actions in southeast Asia. The fact of the matter is that the United States is the aggressor in South Vietnam. We were not asked, as alleged, by a friendly government to help defend it against aggression. We asked ourselves in and we violated several treaties in the process, including the Charter of the United Nations and the very SEATO treaty which in article I pledges us to the pacific means authorized by the United Nations Charter.

Day by day inexorable events more and more clearly demonstrate the utter folly of our course in southeast Asia. While preaching peace, we are steadily intensifying war. Our so-called peace offensives are meaningless because they have evaded the only steps which could possibly elicit a response from the other side. These steps are: First, to agree to negotiate with the adversaries who are doing the fighting, namely, the National Liberation Front; and second, to agree unqualifiedly to the basic premise of the Geneva accords, which we supported unilaterally, that there would be nationwide elections in both North and South Vietnam to determine who would be the officials elected to govern the entire country. Now apparently we cannot even get our boy, Nguyen Ky, to agree to elections even in South Vietnam, although Secretary Rusk has been at pains to explain that what Ky said Ky did not mean.

A number of interesting publications bearing on our folly, have been published in the newspapers recently. I ask unanimous consent that the following be printed at this point in the RECORD: First, an article from the New York Times of May 22 by Hanson W. Baldwin, entitled "Pentagon Is Worried by Dissidence in Vietnam"; second, the latest Gallup poll, headed "U.S. Pullout Favored in Viet Civil War"; third, an advertisement from the New York Times of Sunday, May 22 entitled "On Vietnam," sponsored by the Ad Hoc Universities Committee for the Statement on Vietnam and the Committee of the Professions; fourth, a column by Arthur Hoppe from the Washington Star of May 22, entitled "Fable of the Great Big Bull"; fifth, an editorial from the Washington Star of Friday, May 20, entitled "Nervous Nellies"; and sixth, an advertisement from the New York Times of Sunday, May 22, entitled "You: Taxes Pay For War—Will You Pay For Peace?"

There being no objection, the publications were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 22, 1966]

PENTAGON IS WORRIED BY DISSIDENCE IN VIETNAM

(By Hanson W. Baldwin)

Pentagon officials are seriously worried about the effects of the Vietnamese political turbulence on public opinion in the United States.

"It's going to be damned hard to justify

to American mothers the sending of their boys to Vietnam unless those people out there get together," a United States officer said last week.

The military were as frankly puzzled about what to do and how to do it, and as gloomy about the latest Saigon developments, as the rest of official Washington.

Indeed, the gloom in the Pentagon was perhaps even thicker than elsewhere since as one officer expressed it—"it looked like we were doing all right" in combat until South Vietnamese factionalism and dissidence interfered with military operations.

Casualty statistics reflect the situation. Pentagon figures indicate that during 1965 the United States lost 1,365 armed forces personnel killed in action in Vietnam. The South Vietnamese lost 11,200. The Vietcong and North Vietnamese Army lost an estimated total of 35,000.

In the first quarter of this year before the effect of the current political disturbances was severely felt—United States casualties had mounted sharply to 1,221 killed in action, the South Vietnamese lost 2,700 and the enemy death toll was estimated at 13,000. In April the United States lost 311 men, the South Vietnamese 570 and the enemy 2,800—a clear reflection of reduced South Vietnamese participation in combat operations.

The increased American casualties which are already considerably heavier in 1966 than in all of last year, are a result not only of the build-up of United States forces, which now number about 260,000, but of more intensive and continuous United States participation in active combat operations, including penetrations deep into sanctuaries and base areas.

These operations are regarded as essential if there is to be any hope of defeating the Vietcong. The Pentagon believes they have paid off, not only in terms of heavy enemy casualties but in terms of bases overrun and destroyed, and supplies, food and equipment captured.

The statistics have been encouraging, at least until recently. In 1965 there were 10,000 to 11,000 defectors, while in the first quarter of this year there were about 5,300, about 3,700 of them military personnel.

In 1965 a total of 430 crew-served weapons, such as mortars or recoilless rifles manned by more than one man, and 11,200 individual weapons were captured. In the first quarter of this year 200 crew-served weapons and 3,600 individual weapons were captured.

The discouraging statistics is the growth in Vietcong and North Vietnamese strength despite heavy casualties. Current estimates are that the basic units of the Vietcong and of the North Vietnamese number at least 130 to 150 battalions—85,000 to 90,000 men—for an actual or apparent increase since last year of 15,000 to 20,000.

Included are at least 50 to 60 North Vietnamese battalions, either in South Vietnam or astride or near the Laotian and Cambodian frontiers. Elements of four North Vietnamese divisions are believed to be along the frontier opposite South Vietnam's Central Highlands, and elements of two more divisions are thought to be in Cambodia.

Intensive impressment and recruitment in South Vietnam and heavily increased reinforcements from North Vietnam have strengthened numbers but not quality.

The Pentagon believes that the hard-core units, which have been generally avoiding action when possible this year, will seek it when the monsoon season is in full spate.

The Pentagon would not be too concerned about the prospects if the political situation did not presage a marked deterioration in the military picture. That deterioration is already occurring.

The 700,000 men in the military and paramilitary forces of South Vietnam are essential to the defeat of the Vietcong. Much of the first South Vietnamese Division in Hue is in open revolt against the Saigon govern-

ment, and the status of the Second Division, around Danang, is considered doubtful. Other units, including a sizable part of the strategic reserve, have been diverted to political functions.

Another threatening development is a work stoppage by Vietnamese laborers in the area of Danang, which is a transshipment point for supplies to Marine Corps bases at Chu Lai and Phu Bai. There appears to be concerted absenteeism by Vietnamese laborers.

The military concede that if work stoppages or absences become prolonged or general, United States combat troops will probably have to be diverted to supply and construction jobs.

THE GALLUP POLL: U.S. PULLOUT FAVORED IN VIET CIVIL WAR

(By George Gallup)

Secretary of State Dean Rusk's recent statement that the inability of the South Vietnamese to solve their internal problems is causing restiveness among the American people is fully evidenced by survey findings.

The findings show that the willingness of the American people to carry on the war in South Vietnam is very much dependent upon the developing political situation in that country.

If the South Vietnamese start fighting on a big scale among themselves, a majority of Americans, 54 per cent, say they would like to see us withdraw our troops. Only 28 per cent think we should continue to help that country in this event.

When asked what should be done in the event the South Vietnamese decide to discontinue their participation in the war, 72 per cent of the public say we should withdraw. Only 16 percent think we should continue the war by ourselves. In fact, sentiment favoring withdrawing under such circumstances has risen since last August, when 63 per cent took this position.

Forty eight per cent of all persons interviewed think the South Vietnamese will be unable to establish a stable government. Considerably fewer, 32 per cent, think they will be able to do so.

Over the last two years the views of the citizens have been recorded on many phases of the conflict in Vietnam. Attitudes can be summarized as follows:

1. In general, the public has supported President Johnson's policies in Vietnam, although the approval figure is now below the 50 per cent line for the first time since last July.

2. A majority of the people have never counted on an all-out victory.

3. A majority of those questioned tend to regard the war as a necessary evil.

4. Administration efforts to bring about a peace settlement through the United Nations or the good offices of other countries have met with overwhelming approval of the public.

5. The public would like to find an honorable way out of the Vietnamese conflict.

The question, and findings:

"Suppose the South Vietnamese start fighting on a big scale among themselves. Do you think we should continue to help them, or should we withdraw our troops?"

	Percent		
	Continue	Withdraw	No opinion
National	16	72	12
Republicans	16	72	12
Democrats	16	73	11
Independents	15	71	14

"Do you think the South Vietnamese will be able to establish a stable government, or not?"

	Percent		
	Yes	No	No opinion
National	32	48	20
Republicans	26	46	28
Democrats	31	38	31
Independents	28	47	25
Comparison (January 1965)	25	42	33

ON VIETNAM:

Events of the past few months have further undermined the administration's stated rationale for involvement in Vietnam—that American armed force is there to defend the Vietnamese. March and April demonstrations in Hue, Danang and Saigon, with their anti-Ky and anti-American slogans, have made it clearer than ever that the Saigon regime has virtually no popular support. Military activities have been steadily escalated, and American military power has been forced to assume the brunt of the fighting from the South Vietnamese army. An estimated 100,000 soldiers deserted this army in 1965 alone (N.Y. Times 2/24/66).

The successive regimes in Saigon which our government has been supporting were never popularly elected, and since shortly after the inception of the civil war have not governed more than a portion of South Vietnam. Nonetheless, the administration has attempted justification for American military intervention by claiming that these regimes have had popular support and could therefore be considered legitimate governments for all of South Vietnam.

The dramatic exposure of these false premises and of the fragile basis for our policies has led many prominent Americans, including some former supporters of the war, to declare that our forces must be prepared to leave Vietnam if a new government there asks us to do so.

But our administration's previous response to reverses in Vietnam has been escalation, bringing with it increasing death and destruction, and we are particularly alarmed at the extension of B-52 bombings to the North and new air raids in the Hanoi-Hai-phong area. To escalate militarily while our position disintegrates politically is immoral, futile and perilous.

Furthermore, while increasing numbers of political leaders and commentators question the entire policy of the United States in Vietnam, the American force, approximately a quarter of a million men, is conducting "search-and-kill" operations and continues massive daily bombings in the course of which thousands of Vietnamese and Americans are being killed and wounded.

The interests of our country and the strength of our belief in the right of self-determination demand that ways be immediately found to disengage ourselves from this intolerable situation. We are convinced that such a course is in accord with the mood of increasing numbers of Americans. We call upon our government:

To cease all bombing, North and South, and all other offensive military operations immediately;

To indicate that it will negotiate with the National Liberation Front and all other interested parties for a peaceful settlement;

To encourage in every way, and in no way to interfere with, the free exercise of popular sovereignty in Vietnam;

To evaluate seriously whether self-determination for the Vietnamese as well as our own national interests would not be best served by termination of our military presence in Vietnam.

Ad Hoc Universities Committee For The Statement on Vietnam: P.O. Box 435, Rye, N.Y., Professor Harry Lustig, CHAIRMAN; Professor Martin Davis, TREASURER.

Committee Of The Professions: P.O. Box 397, Cathedral Post Office, N.Y., N.Y. 10025, Oscar Sachs, M.D., CHAIRMAN; Ruth Lassoff, TREASURER.

On Vietnam: This statement was originally scheduled to be published together with endorsing signatures from the academic, creative and professional communities, in this issue of the New York Times.

Because of the unprecedented national response, the statement and the names of endorsers will appear instead in multi-page format in the New York Times on Sunday, June 5.

Publication of this statement is being paid for by the individual endorsers.

FABLE OF THE GREAT BIG BULL
(By Arthur Hoppe)

Once upon a time there was a Great Big Bull who led his herd into a quagmire. It could happen to anybody. But in his mighty struggles to get them out he managed only to sink them all in deeper.

Naturally, a few members of the herd—mostly rebellious young calves—questioned the Great Big Bull's judgment. Some thought they ought to go back the way they'd come and some were for charging off to the right or to the left or whichever.

At first, the Great Big Bull smiled tolerantly at this small minority. "It is a tribute to the democratic way I run this herd," he said, "that I allow these well-intentioned but misguided critics to speak out at a time like this. Now let us struggle on."

So the herd struggled on, floundering and thrashing about. And pretty soon they were all in up to their knees.

"Maybe we ought to stop for a minute to get our bearings," a bespectacled bull named Nellbright suggested somewhat hesitantly. For all members of the herd were understandably afraid of the Great Big Bull.

"You have the inalienable right in this herd to suggest anything you want," said the Great Big Bull testily. "Even though you are obviously blind to experience, deaf to hope and are perhaps giving aid and comfort to the quagmire. Now let us struggle on!"

So the herd struggled on, floundering and thrashing about. And pretty soon they were all in up to their bellies.

"I know we are the mightiest and most powerful herd in the world," said the bespectacled bull named Nellbright, with a worried frown. "But it seems to me our struggles are merely getting us in deeper."

This made the herd a little uneasy. "Nobody," snorted the Great Big Bull, "wants to get out of this quagmire more than I. Now let us struggle on!"

So the herd struggled on, floundering and thrashing about. And pretty soon they were all in up to here.

"We must tie a rope around our necks and all pull together," ordered the Great Big Bull. "Straight ahead, now. One . . . two . . ."

"But if we go that way," protested the bespectacled bull named Nellbright, "we'll all right over the . . ."

"Listen, you Nervous Nellie," bellowed the Great Big Bull, frustrated beyond endurance, "you're trying to pull us apart to promote yourself. Anybody who turns on his own leader, his own herd, is a Nervous Nellie. Now, to preserve our democratic way of life, everybody shut up, pull together and follow me."

	Percent		
	Continue to help	Withdraw	No opinion
National	28	54	18
Republicans	28	55	17
Democrats	26	55	19
Independents	31	52	17

"If the South Vietnam government decides to stop fighting (discontinue the war), what should the U.S. do—continue the war by itself, or should we withdraw?"

10670

CONGRESSIONAL RECORD — SENATE

May 23, 1967

And it worked! The herd, not wishing to be thought Nervous Nellies by the Great Big Bull, shut up, pulled together and blindly followed their leader—out of the quagmire, up a small rise, and right over an 8,000-foot cliff.

Moral: Silencing criticism in a democracy requires a lot of bull.

From the Washington (D.C.) Star.

May 20, 1966 |

"Nervous Nellies"

President Johnson, never a man to suffer criticism cheerfully, has suddenly turned on those who oppose his policies in Viet Nam with, it seems to us, more vigor than wisdom.

He has, of course, been subjected to forms of criticism which would be hard for any man to take. These range from the mindless demands that we get out of Viet Nam to such savage accusations as those from Senator Morse, which barely stop short of indicting Mr. Johnson as a murderer. It does not necessarily follow, however, that the President will improve his case in the court of public opinion by abandoning the responsible position to which he had been adhering in order to denounce the critics and put some of them to a political trial by fire.

Three months ago Mr. Johnson was saying that "the strength of America can never be sapped by discussion . . . we are united in our commitment to free discussion." But not now. In the past week the President has publicly assailed Senator Fulbright without actually naming him. He has denounced the "Nervous Nellies" who break ranks "and turn on their own leaders, their country and their own fighting men." And he has proposed a test for the voters to apply this fall to each candidate, Democrat and Republican alike. "Is he helping the cause of his country or is he advancing the cause of himself?" This can be translated as follows: Is the candidate supporting the President on Viet Nam or is he not?

Lyndon Johnson is a veteran of the political wars. There is little in his record to suggest that he is given to misreading the public mood. So it may be that he has taken his soundings and has embarked on this counterattack in the firm belief that he can carry the voters with him and overwhelm his critics, or at least those who must run for office in November.

Still, even if this is the case, he is assuming a very grave risk. The people may begin asking what has happened to the President who, for so many trying months, invited free discussion and who clung to the doctrine that the best way to handle these divisive problems is to sit down and reason together. The people may ask themselves why the President has done this abrupt about-face. They may even begin to wonder whether the strain is telling on him.

YOUR TAXES PAY FOR WAR — WILL YOU PAY FOR PEACE?

The Vietnam War Now Threatens Every American Family!

1. Will our sons go to war or to school?

2. Will our tax dollars be used to wipe out farms at home or villages in Vietnam?

The killing of Americans and Vietnamese will not stop unless the opponents of this war, and of the bankrupt foreign policy which it reflects, can turn their dissent into real political power. Fortunately, across the nation local alliances of issues-oriented liberals, student activists, peace and civil rights workers, and grass-roots movements of the poor are being formed for the tangible results of winning elections.

In Oregon, Howard Morgan, former Federal Power Commissioner, is running for the Democratic nomination for the U.S. Senate against a supporter of Administration policy in Viet Nam. Morgan is supported by Senator WAYNE MORSE. Simultaneously, former Con-

gressman Charles Porter, who has a distinguished record of peace activity, is running for Congress in the 4th district.

In California, there are 30 anti-war candidates, ranging from incumbent Congressmen GEORGE BROWN, PHIL BURTON, and DON EDWARDS to newcomers Ed Keating, Bob Scheer, and Stanley Sheinbaum of Ramparts Magazine and, from the Watts area of Los Angeles, David Scott, candidate for the State Assembly, who says, "There will be no welfare as long as there is warfare."

BOLD SPIRITS NEED HELP

In Mississippi, Alabama, Georgia and North Carolina, Negro candidates for local office, ranging from sheriff to state assemblyman to Congressman, are awakening the energies of people long denied any share in shaping their own future, and are now reconstructing the whole of Southern politics.

In New York State, many vigorous opponents of the war in Viet Nam—among them Ted Weiss, reform City Councilman, and Mel Dublin, recent candidate for Controller on Congressman RYAN's ticket—are challenging incumbent Democrats on peace and poverty.

In Massachusetts, Thomas Boylston Adams is leading a peace campaign for the U.S. Senate with considerable support from within the Democratic Party.

Other politically viable campaigns equally important and promising, are building. The National Conference for New Politics has been created to assist in these developments. The Conference is not an organization established to compete with other groups. Rather it is a cooperative effort solely to provide financial, research, and human resources to those candidates who will speak clearly for peace and for a domestic program commensurate with the great wealth of our country and the needs of its citizens.

KEEP CAMPAIGNS ROLLING

Political campaigns are staggeringly expensive; but we are persuaded that many Americans care deeply enough about the issue of war or peace that they will make great sacrifices to insure that in the next Congress Senators MORSE and CRUENING, FULBRIGHT and YOUNG, and the few other bold spirits no longer stand alone. Moreover, we believe that they understand the great opportunity offered by the insurgent politics in the South and the ghettos of the urban North and that they will not allow these to fail for lack of funds.

We have already helped significantly in New York, Oregon, Alabama, and Mississippi, where several thousand dollars in early funds have provided the means to keep campaigns rolling effectively. However, much more is needed. Your money may be the one way in which we can realistically overcome the sense of hopelessness which the real war in Vietnam and the "half-war" on poverty both engender.

Since we have a clear obligation to make certain that debate continues on Vietnam policy, and because the nation is as one precinct on this issue, we would hope that individuals will contribute regardless of geographical areas. The allocation of funds shall be determined by the signers of this appeal in consultation with Congressional supporters and the NCNP National Council.

Please, now! Make your check payable to NCNP.

Benjamin Spock, M.D., Pediatrician.

The Reverend William Sloane Coffin, Jr., Chaplain, Yale University.

Julian Bond, Representative-elect, Georgia House of Representatives.

Simon Casady, Past President California Democratic Council.

NATIONAL COUNCIL (IN FORMATION)

Josiah Beeman III, National Committee-man, California Federation of Young Democrats.

Paul Booth, Secretary, Students for a Democratic Society.

Samuel Bowles, Department of Economics, Harvard University.

Robert Browne, Professor of Economics, Fairleigh-Dickinson University.

Jane Buchenholz, Research Consultant.

Stokely Carmichael, Chairman, SNCC.

Mrs. Gardner Cox, Civic Leader, Cambridge, Mass.

June Oppen Degnan, Publisher, San Francisco Review.

W. H. Ferry, Vice-President, Center for the Study of Democratic Institutions.

Erich Fromm, Psychoanalyst.

Edward P. Gottlieb, American Federal of Teachers.

Victoria Gray, Mississippi Freedom Democratic Party.

Jerome Grossman, Chairman, Massachusetts Political Action for Peace.

Alfred Hassler, Executive Secretary, Fellowship of Reconciliation.

Nat Hentoff, Critic.

Warren Hinckle, Executive Editor, Ramparts Magazine.

Halleck Hoffman, Secretary-Treasurer, Center for the Study of Democratic Institutions.

Irving Howe, Professor of English, Hunter College.

Mark De Wolf Howe, Professor of Law, Harvard University.

H. Stuart Hughes, Professor of History, Harvard University.

Bron L. Johnson, Former Congressman.

Irving F. Laucke, Consultant, Center for the Study of Democratic Institutions.

Sidney Lens, Director Emeritus, Chicago Local 329, Building Service Employee International Union.

Herbert Marcuse, Professor of Political University of California.

Lenore Marshall, Poet.

Frances McAllister, National Board, Friends Committee on Legislation.

Carey McWilliams, Journalist.

Stewart Meacham, Peace Education Secretary, American Friends Service Committee.

Everett Mendelsohn, Professor of the History of Science, Harvard University.

Mrs. Kenneth Montgomery, Civil Leader, Chicago, Illinois.

Barrington Moore, Jr., Russian Research Center, Harvard University.

Paul O'Dwyer, Former New York City Councilman.

Martin Peretz, Committee on Social Studies, Harvard University.

Gifford Philips, State Finance Committee, California Democratic Party.

Sumner Rosen, American Federation, State County and Municipal Employees.

Robert Schwartz, National Board, SANE.

Robert B. Silvers, Editor, New York Review of Books.

Pitirim Sorokin, Past President, American Sociological Association.

William Strickland, Executive Director, Northern Student Movement.

Albert Szent-Gyorgyi, M.D., Nobel Laureate.

Harold Taylor, Past President, Sarah Lawrence College.

Arthur I. Waskow, Senior Fellow, Institute for Policy Studies.

National Conference for New Politics, 1808 Wyoming Avenue NW, Washington, D.C.

I enclose \$_____ to support the campaigns of peace and civil rights candidates in the 1966 elections.

I pledge \$_____.
I wish to assist the Conference in its fund raising efforts.

I wish to volunteer for campaign work.

Name _____

Address _____

City _____ State _____ Zip Code _____

Telephone _____

Organizations listed for identification purposes only.

May 23, 1966

CONGRESSIONAL RECORD — SENATE

10671

EXHIBIT 1

THE LEGALITY OF U.S. PARTICIPATION IN THE DEFENSE OF VIET-NAM
(Reprint from the Department of State Bulletin)

(This legal memorandum was prepared by Leonard C. Meeker, Legal Adviser of the Department, and was submitted to the Senate Committee on Foreign Relations on March 8.)

MARCH 4, 1966

I. THE UNITED STATES AND SOUTH VIET-NAM HAVE THE RIGHT UNDER INTERNATIONAL LAW TO PARTICIPATE IN THE COLLECTIVE DEFENSE OF SOUTH VIET-NAM AGAINST ARMED ATTACK

In response to requests from the Government of South Viet-Nam, the United States has been assisting that country in defending itself against armed attack from the Communist North. This attack has taken the forms of externally supported subversion, clandestine supply of arms, infiltration of armed personnel, and most recently the sending of regular units of the North Vietnamese army into the South.

International law has long recognized the right of individual and collective self-defense against armed attack. South Viet-Nam and the United States are engaging in such collective defense consistently with international law and with United States obligations under the United Nations Charter.

A. South Viet-Nam is Being Subjected to Armed Attack by Communist North Viet-Nam.

The Geneva accords of 1954 established a demarcation line between North Viet-Nam and South Viet-Nam.¹ They provided for withdrawals of military forces into the respective zones north and south of this line. The accords prohibited the use of either zone for the resumption of hostilities or to "further an aggressive policy."

During the 5 years following the Geneva conference of 1954, the Hanoi regime developed a covert political-military organization in South Viet-Nam based on Communist cadres it had ordered to stay in the South, contrary to the provisions of the Geneva accords. The activities of this covert organization were directed toward the kidnapping and assassination of civilian officials—acts of terrorism that were perpetrated in increasing numbers.

In the 3-year period from 1959 to 1961, the North Viet-Nam regime infiltrated an estimated 10,000 men into the South. It is estimated that 13,000 additional personnel were infiltrated in 1962, and, by the end of 1964, North Viet-Nam may well have moved over 40,000 armed and unarmed guerrillas into South Viet-Nam.

The International Control Commission reported in 1962 the findings of its Legal Committee:

"... there is evidence to show that arms, armed and unarmed personnel, munitions and other supplies have been sent from the Zone in the North to the Zone in the South with the objective of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the Armed Forces and Administration of the Zone in the South.

"... there is evidence that the PAVN [People's Army of Viet Nam] has allowed the Zone in the North to be used for inciting, encouraging and supporting hostile activities in the Zone in the South, aimed at the overthrow of the Administration in the South."

Beginning in 1964, the Communists apparently exhausted their reservoir of Southerners who had gone North. Since then the greater number of men infiltrated into the South have been native-born North Vietnamese.

¹ For texts, see *American Foreign Policy, 1950-1955; Basic Documents*, vol. I, Department of State publication 6446, p. 750.

me. Most recently, Hanoi has begun to infiltrate elements of the North Vietnamese army in increasingly larger numbers. Today, there is evidence that nine regiments of regular North Vietnamese forces are fighting in organized units in the South.

In the guerrilla war in Viet-Nam, the external aggression from the North is the critical military element of the insurgency, although it is unacknowledged by North Viet-Nam. In these circumstances, an "armed attack" is not as easily fixed by date and hour as in the case of traditional warfare. However, the infiltration of thousands of armed men clearly constitutes an "armed attack" under any reasonable definition. There may be some question as to the exact date at which North Viet-Nam's aggression grew into an "armed attack," but there can be no doubt that it had occurred before February 1965.

B. International Law Recognizes the Right of Individual and Collective Self-Defense Against Armed Attack.

International law has traditionally recognized the right of self-defense against armed attack. This proposition has been asserted by writers on international law through the several centuries in which the modern law of nations has developed. The proposition has been acted on numerous times by governments throughout modern history. Today the principle of self-defense against armed attack is universally recognized and accepted.²

The Charter of the United Nations, concluded at the end of World War II, imposed an important limitation on the use of force by United Nations members. Article 2, paragraph 4, provides:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

In addition, the charter embodied a system of international peacekeeping through the organs of the United Nations. Article 24 summarizes these structural arrangements in stating that the United Nations members:

"... confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

However, the charter expressly states in article 51 that the remaining provisions of the charter—including the limitation of article 2, paragraph 4, and the creation of United Nations machinery to keep the peace—in no way diminish the inherent right of self-defense against armed attack. Article 51 provides:

"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Thus, article 51 restates and preserves, for member states in the situations covered by the article, a long-recognized principle of international law. The article is a "saving

clause" designed to make clear that no other provision in the charter shall be interpreted to impair the inherent right of self-defense referred to in article 51.

Three principal objections have been raised against the availability of the right of individual and collective self-defense in the case of Viet-Nam: (1) that this right applies only in the case of an armed attack on a United Nations member; (2) that it does not apply in the case of South Viet-Nam because the latter is not an independent sovereign state; and (3) that collective self-defense may be undertaken only by a regional organization operating under chapter VIII of the United Nations Charter. These objections will now be considered in turn.

C. The Right of Individual and Collective Self-Defense Applies in the Case of South Viet-Nam Whether or Not That Country Is a Member of the United Nations.

1. South Viet-Nam enjoys the right of self-defense.

The argument that the right of self-defense is available only to members of the United Nations mistakes the nature of the right of self-defense and the relationship of the United Nations Charter to international law in this respect. As already shown, the right of self-defense against armed attack is an inherent right under international law. The right is not conferred by the charter, and, indeed, article 51 expressly recognizes that the right is inherent.

The charter nowhere contains any provision designed to deprive nonmembers of the right of self-defense against armed attack.³ Article 2, paragraph 6, does charge the United Nations with responsibility for insuring that nonmember states act in accordance with United Nations "Principles so far as may be necessary for the maintenance of international peace and security." Protection against aggression and self-defense against armed attack are important elements in the whole character scheme for the maintenance of international peace and security. To deprive nonmembers of their inherent right of self-defense would not accord with the principles of the organization, but would instead be prejudicial to the maintenance of peace. Thus article 2, paragraph 6—and, indeed, the rest of the charter—should certainly not be construed to nullify or diminish the inherent defensive rights of non-members.

2. The United States has the right to assist in the defense of South Viet-Nam although the latter is not a United Nations member.

The cooperation of two or more international entities in the defense of one or both against armed attack is generally referred to as collective self-defense. United States participation in the defense of South Viet-Nam at the latter's request is an example of collective self-defense.

The United States is entitled to exercise the right of individuals or collective self-defense against armed attack, as that right exists in international law, subject only to treaty limitations and obligations undertaken by this country.

² See, e.g., Jessup, *A Modern Law of Nations*, 163 ff. (1948); Oppenheim, *International Law*, 297 ff. (8th ed., Lauterpacht, 1955). And see, generally, Bowett, *Self-Defense in International Law* (1958). [Footnote in original.]

It has been urged that the United States has no right to participate in the collective defense of South Viet-Nam because article 51 of the United Nations Charter speaks only of the situation "if an armed attack occurs *against a Member of the United Nations*." This argument is without substance.

In the first place, article 51 does not impose restrictions or cut down the otherwise available rights of United Nations members. By its own terms, the article preserves an inherent right. It is, therefore, necessary to look elsewhere in the charter for any obligation of members restricting their participation in collective defense of an entity that is not a United Nations member.

Article 2, paragraph 4, is the principal provision of the charter imposing limitations on the use of force by members. It states that they:

"... shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Action taken in defense against armed attack cannot be characterized as falling within this proscription. The record of the San Francisco conference makes clear that article 2, paragraph 4, was not intended to restrict the right of self-defense against armed attack.¹⁷

One will search in vain for any other provision in the charter that would preclude United States participation in the collective defense of a nonmember. The fact that article 51 refers only to armed attack "against a Member of the United Nations" implies no intention to preclude members from participating in the defense of nonmembers. Any such result would have seriously detrimental consequences for international peace and security and would be inconsistent with the purposes of the United Nations as they are set forth in article 1 of the charter.¹⁸ The right of members to participate in the defense of nonmembers is upheld by leading authorities on international law.¹⁹

D. The Right of Individual and Collective Self-Defense Applies Whether or Not South Viet-Nam Is Regarded as an Independent Sovereign State.

1. South Viet-Nam enjoys the right of self-defense.

It has been asserted that the conflict in Viet-Nam is "civil strife" in which foreign intervention is forbidden. Those who make this assertion have gone so far as to compare Ho Chi Minh's actions in Viet-Nam with the efforts of President Lincoln to preserve the Union during the American Civil War. Any such characterization is an entire fiction disregarding the actual situation in Viet-Nam. The Hanoi regime is anything but the

legitimate government of a unified country in which the South is rebelling against lawful national authority.

The Geneva accords of 1954 provided for a division of Viet-Nam into two zones at the 17th parallel. Although this line of demarcation was intended to be temporary, it was established by international agreement, which specifically forbade aggression by one zone against the other.

The Republic of Viet-Nam in the South has been recognized as a separate international entity by approximately 60 governments the world over. It has been admitted as a member of a number of the specialized agencies of the United Nations. The United Nations General Assembly in 1957 voted to recommend South Viet-Nam for membership in the organization, and its admission was frustrated only by the veto of the Soviet Union in the Security Council.

In any event there is no warrant for the suggestion that one zone of a temporarily divided state—whether it be Germany, Korea, or Viet-Nam—can be legally overrun by armed forces from the other zone, crossing the internationally recognized line of demarcation between the two. Any such doctrine would subvert the international agreement establishing the line of demarcation, and would pose grave dangers to international peace.

The action of the United Nations in the Korean conflict of 1950 clearly established the principle that there is no greater license for one zone of a temporarily divided state to attack the other zone than there is for one state to attack another state. South Viet-Nam has the same right that South Korea had to defend itself and to organize collective defense against an armed attack from the North. A resolution of the Security Council dated June 25, 1950, noted "with grave concern the armed attack upon the Republic of Korea by forces from North Korea," and determined "that this action constitutes a breach of the peace."

2. The United States is entitled to participate in the collective defense of South Viet-Nam whether or not the latter is regarded as an independent sovereign state.

As stated earlier, South Viet-Nam has been recognized as a separate international entity by approximately 60 governments. It has been admitted to membership in a number of the United Nations specialized agencies and has been excluded from the United Nations Organization only by the Soviet veto.

There is nothing in the charter to suggest that United Nations members are precluded from participating in the defense of a recognized international entity against armed attack merely because the entity may lack some of the attributes of an independent sovereign state. Any such result would have a destructive effect on the stability of international engagements such as the Geneva accords of 1954 and on internationally agreed lines of demarcation. Such a result, far from being in accord with the charter and the purposes of the United Nations, would undermine them and would create new dangers to international peace and security.

E. The United Nations Charter Does Not Limit the Right of Self-Defense to Regional Organizations.

Some have argued that collective self-defense may be undertaken only by a regional arrangement or agency operating under chapter VIII of the United Nations Charter. Such an assertion ignores the structure of the charter and the practice followed in the more than 20 years since the founding of the United Nations.

The basic proposition that rights of self-defense are not impaired by the charter—as expressly stated in article 51—is not conditioned by any charter provision limiting the application of this proposition to collective defense by a regional arrangement or agency. The structure of the charter rein-

forces this conclusion. Article 51 appears in chapter VII of the charter, entitled "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," whereas chapter VIII, entitled "Regional Arrangements," begins with article 52 and embraces the two following articles. The records of the San Francisco conference show that article 51 was deliberately placed in chapter VII rather than chapter VIII, "where it would only have a bearing on the regional system."²⁰

Under article 51, the right of self-defense is available against any armed attack, whether or not the country attacked is a member of a regional arrangement and regardless of the source of the attack. Chapter VIII, on the other hand, deals with relations among members of a regional arrangement or agency, and authorizes regional action as appropriate for dealing with "local disputes." This distinction has been recognized ever since the founding of the United Nations in 1945.

For example, the North Atlantic Treaty has operated as a collective security arrangement, designed to take common measures in preparation against the eventuality of an armed attack for which collective defense under article 51 would be required. Similarly, the Southeast Asia Treaty Organization was designed as a collective defense arrangement under article 51. Secretary of State Dulles emphasized this in his testimony before the Senate Foreign Relations Committee in 1954.

By contrast, article 1 of the Charter of Bogotá (1948), establishing the Organization of American States, expressly declares that the organization is a regional agency within the United Nations. Indeed, chapter VIII of the United Nations Charter was included primarily to take account of the functioning of the inter-American system.

In sum, there is no basis in the United Nations Charter for contending that the right of self-defense against armed attack is limited to collective defense by a regional organization.

F. The United States Has Fulfilled Its Obligations to the United Nations.

A further argument has been made that the members of the United Nations have conferred on United Nations organs—and, in particular, on the Security Council—exclusive power to act against aggression. Again, the express language of article 51 contradicts that assertion. A victim of armed attack is not required to forgo individual or collective defense of its territory until such time as the United Nations organizes collective action and takes appropriate measures. To the contrary, article 51 clearly states that the right of self-defense may be exercised "until the Security Council has taken the measures necessary to maintain international peace and security."

As indicated earlier, article 51 is not literally applicable to the Viet-Nam situation since South Viet-Nam is not a member. However, reasoning by analogy from article 51 and adopting its provisions as an appropriate guide for the conduct of members in a case like Viet-Nam, one can only conclude

¹⁷ UNCIO Documents 288. [Footnote in original.]

¹⁸ An argument has been made by some that the United States, by joining in the collective defense of South Viet-Nam, has violated the peaceful settlement obligation of article 33 in the charter. This argument overlooks the obvious proposition that a victim of armed aggression is not required to sustain the attack undefended while efforts are made to find a political solution with the aggressor. Article 51 of the charter illustrates this by making perfectly clear that the inherent right of self-defense is impaired by "Nothing in the present Charter," including the provisions of article 33. [Footnote in original.]

that United States actions are fully in accord with this country's obligations as a member of the United Nations.

Article 51 requires that:

"Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

The United States has reported to the Security Council on measures it has taken in countering the Communist aggression in Viet-Nam. In August 1964 the United States asked the Council to consider the situation created by North Vietnamese attacks on United States destroyers in the Tonkin Gulf. The Council thereafter met to debate the question, but adopted no resolutions. Twice in February 1965 the United States sent additional reports to the Security Council on the conflict in Viet-Nam and on the additional measures taken by the United States in the collective defense of South Viet-Nam.¹⁰ In January 1966 the United States formally submitted the Viet-Nam question to the Security Council for its consideration and introduced a draft resolution calling for discussions looking toward a peaceful settlement on the basis of the Geneva accords.¹¹

At no time has the Council taken any action to restore peace and security in Southeast Asia. The Council has not expressed criticism of United States actions. Indeed since the United States submission of January 1966, members of the Council have been notably reluctant to proceed with any consideration of the Viet-Nam question.

The conclusion is clear that the United States has in no way acted to interfere with United Nations consideration of the conflict in Viet-Nam. On the contrary, the United States has requested United Nations consideration, and the Council has not seen fit to act.

G. International Law Does Not Require a Declaration of War as a Condition Precedent To Taking Measures of Self-Defense Against Armed attack.

The existence or absence of a formal declaration of war is not a factor in determining whether an international use of force is lawful as a matter of international law. The United Nations Charter's restrictions focus on the manner and purpose of its use and not on any formalities of announcement.

It should also be noted that a formal declaration of war would not place any obligations on either side in the conflict by which that side would not be bound in any event. The rules of international law concerning the conduct of hostilities in an international armed conflict apply regardless of any declaration of war.

H. Summary.

The analysis set forth above shows that South Viet-Nam has the right in present circumstances to defend itself against armed attack from the North and to organize a collective self-defense with the participation of others. In response to requests from South Viet-Nam, the United States has been participating in that defense, both through military action within South Viet-Nam and actions taken directly against the aggressor in North Viet-Nam. This participation by the United States is in conformity with international law and is consistent with our obligations under the Charter of the United Nations.

¹⁰ For a statement made by U.S. Representative Adlai E. Stevenson in the Security Council on Aug. 5, 1964, see BULLETIN of Aug. 24, 1964, p. 272.

¹¹ For texts, see *ibid.*, Feb. 22, 1965, p. 240, and Mar. 22, 1965, p. 419.

¹¹ For background and text of draft resolution, see *ibid.*, Feb. 14, 1966, p. 231.

II. THE UNITED STATES HAS UNDERTAKEN COMMITMENTS TO ASSIST SOUTH VIET-NAM IN DEFENDING ITSELF AGAINST COMMUNIST AGGRESSION FROM THE NORTH

The United States has made commitments and given assurances, in various forms and at different times, to assist in the defense of South Viet-Nam.

A. The United States Gave Undertakings at the End of the Geneva Conference in 1954.

At the time of the signing of the Geneva accords in 1954, President Eisenhower warned "that any renewal of Communist aggression would be viewed by us as a matter of grave concern," at the same time giving assurance that the United States would "not use force to disturb the settlement."¹² And the formal declaration made by the United States Government at the conclusion of the Geneva conference stated that the United States "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security."¹³

B. The United States Undertook an International Obligation To Defend South Viet-Nam in the SEATO Treaty.

Later in 1954 the United States negotiated with a number of other countries and signed the Southeast Asia Collective Defense Treaty.¹⁴ The treaty contains in the first paragraph of article IV the following provision:

"Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations."

Annexed to the treaty was a protocol stating that:

"The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam."

Thus, the obligations of article IV, paragraph 1, dealing with the eventuality of armed attack, have from the outset covered the territory of South Viet-Nam. The facts as to the North Vietnamese armed attack against the South have been summarized earlier, in the discussion of the right of self-defense under international law and the Charter of the United Nations. The term "armed attack" has the same meaning in the SEATO treaty as in the United Nations Charter.

Article IV, paragraph 1, places an obligation on each party to the SEATO treaty to "act to meet the common danger in accordance with its constitutional processes" in the event of an armed attack. The treaty does not require a collective determination that an armed attack has occurred in order that the obligation of article IV, paragraph 1, become operative. Nor does the provision require collective decision on actions to be taken to meet the common danger. As Secretary Dulles pointed out when transmitting the treaty to the President, the commitment in article IV, paragraph 1, "leaves to the judgement of each country the type of action to be taken in the event an armed attack occurs."¹⁵

¹² For a statement made by President Eisenhower on June 21, 1954, see *ibid.*, Aug. 2, 1954, p. 163.

¹³ For text, see *ibid.*, p. 162.

¹⁴ For text, see *ibid.*, Sept. 20, 1954, p. 393.

¹⁵ For text, see *ibid.*, Nov. 29, 1954, p. 820.

The treaty was intended to deter armed aggression in Southeast Asia. To that end it created not only a multilateral alliance but also a series of bilateral relationships. The obligations are placed squarely on "each Party" in the event of armed attack in the treaty area—not upon "the Parties," a wording that might have implied a necessity for collective decision. The treaty was intended to give the assurance of United States assistance to any party or protocol state that might suffer a Communist armed attack, regardless of the views or actions of other parties. The fact that the obligations are individual, and may even to some extent differ among the parties to the treaty, is demonstrated by the United States understanding, expressed at the time of signature, that its obligations under article IV, paragraph 1, apply only in the event of Communist aggression, whereas the other parties to the treaty were unwilling so to limit their obligations to each other.

Thus, the United States has a commitment under article IV, paragraph 1, in the event of armed attack, independent of the decision or action of other treaty parties. A joint statement issued by Secretary Rusk and Foreign Minister Thanat Khoman of Thailand on March 6, 1962,¹⁶ reflected this understanding:

"The Secretary of State assured the Foreign Minister that in the event of such aggression, the United States intends to give full effect to its obligations under the Treaty to act to meet the common danger in accordance with its constitutional processes. The Secretary of State reaffirmed that this obligation of the United States does not depend upon the prior agreement of all other parties to the Treaty, since this Treaty obligation is individual as well as collective."

Most of the SEATO countries have stated that they agreed with this interpretation. None has registered objection to it.

When the Senate Committee on Foreign Relations reported on the Southeast Asia Collective Defense Treaty, it noted that the treaty area was further defined so that the "Free Territory of Vietnam" was an area "which, if attacked, would fall under the protection of the instrument." In its conclusion the committee stated:

"The committee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interests."

The Senate gave its advice and consent to the treaty by a vote of 82 to 1.

C. The United States Has Given Additional Assurances to the Government of South Viet-Nam.

The United States has also given a series of additional assurances to the Government of South Viet-Nam. As early as October 1954 President Eisenhower undertook to provide direct assistance to help make South Viet-Nam "capable of resisting attempted subversion or aggression through military means."¹⁷ On May 11, 1957, President Eisenhower and President Ngo Dinh Diem of the Republic of Viet-Nam issued a joint statement¹⁸ which called attention to "the large build-up of Vietnamese Communist military forces in North Viet-Nam" and stated:

"Noting that the Republic of Viet-Nam is covered by Article IV of the Southeast Asia Collective Defense Treaty, President Eisenhower and President Ngo Dinh Diem agreed that aggression or subversion threatening the political independence of the Republic of Viet-Nam would be considered as endangering peace and stability."

¹⁶ For text, see *ibid.*, Mar. 26, 1962, p. 498.

¹⁷ For text of a message from President Eisenhower to President Ngo Dinh Diem, see *ibid.*, Nov. 15, 1954, p. 735.

¹⁸ For text, see *ibid.*, May 27, 1957, p. 851.

On August 2, 1961, President Kennedy declared that "the United States is determined that the Republic of Viet-Nam shall not be lost to the Communists for lack of any support which the United States Government can render."²⁸ On December 7 of that year President Diem appealed for additional support. In his reply of December 14, 1961 President Kennedy recalled the United States declaration made at the end of the Geneva conference in 1954, and reaffirmed that the United States was "prepared to help the Republic of Viet-Nam to protect its people and to preserve its independence."²⁹ This assurance has been reaffirmed many times since.

III. ACTIONS BY THE UNITED STATES AND SOUTH VIET-NAM ARE JUSTIFIED UNDER THE GENEVA ACCORDS OF 1954

A. Description of the Accords.

The Geneva accords of 1954³⁰ established the date and hour for a cease-fire in Viet-Nam, drew a "provisional military demarcation line" with a demilitarized zone on both sides, and required an exchange of prisoners and the phased regroupment of Viet Minh forces from the south to the north and of French Union forces from the north to the south. The introduction into Viet-Nam of troop reinforcements and new military equipment (except for replacement and repair) was prohibited. The armed forces of each party were required to respect the demilitarized zone and the territory of the other zone. The adherence of either zone to any military alliance and the use of either zone for the resumption of hostilities or to "further an aggressive policy," were prohibited. The International Control Commission was established, composed of India, Canada and Poland, with India as chairman. The task of the Commission was to supervise the proper execution of the provisions of the cease-fire agreement. General elections that would result in reunification were required to be held in July 1956 under the supervision of the ICC.

B. North Viet-Nam Violated the Accords From the Beginning.

From the very beginning, the North Vietnamese violated the 1954 Geneva accords. Communist military forces and supplies were left in the South in violation of the accords. Other Communist guerrillas were moved north for further training and then were infiltrated into the South in violation of the accords.

C. The Introduction of United States Military Personnel and Equipment Was Justified.

The accords prohibited the reinforcement of foreign military forces in Viet-Nam and the introduction of new military equipment, but they allowed replacement of existing military personnel and equipment. Prior to late 1961 South Viet-Nam had received considerable military equipment and supplies from the United States, and the United

States had gradually enlarged its Military Assistance Advisory Group to slightly less than 900 men. These actions were reported to the ICC and were justified as replacements for equipment in Viet-Nam in 1954 and for French training and advisory personnel who had been withdrawn after 1954.

As the Communist aggression intensified during 1961, with increased infiltration and a marked stepping up of Communist terrorism in the South, the United States found it necessary in late 1961 to increase substantially the numbers of our military personnel and the amounts and types of equipment introduced by this country into South Viet-Nam. These increases were justified by the international law principle that a material breach of an agreement by one party entitles the other at least to withhold compliance with an equivalent, corresponding, or related provision until the defaulting party is prepared to honor its obligations.³¹

In accordance with this principle, the systematic violation of the Geneva accords by North Viet-Nam justified South Viet-Nam in suspending compliance with the provision controlling entry of foreign military personnel and military equipment.

D. South Viet-Nam was justified in refusing to implement the election provisions of the Geneva accords.

The Geneva accords contemplated the reunification of the two parts of Viet-Nam. They contained a provision for general elections to be held in July 1956 in order to obtain a "free expression of the national will." The accords stated that "consultations will be held on this subject between the competent representative authorities of the two zones from 20 July 1955 onwards."

There may be some question whether South Viet-Nam was bound by these election provisions. As indicated earlier, South Viet-Nam did not sign the cease-fire agreement of 1954, nor did it adhere to the Final Declaration of the Geneva conference. The South Vietnamese Government at that time gave notice of its objection in particular to the election provisions of the accords.

However, even on the premise that these provisions were binding on South Viet-Nam, the South Vietnamese Government's failure to engage in consultations in 1955, with a view to holding elections in 1956, involved no breach of obligation. The conditions in North Viet-Nam during that period were such as to make impossible any free and meaningful expression of popular will.

Some of the facts about conditions in the

North were admitted even by the Communist leadership in Hanoi. General Giap, currently Defense Minister of North Viet-Nam, in addressing the Tenth Congress of the North Vietnamese Communist Party in October 1956, publicly acknowledged that the Communist leaders were running a police state where executions, terror, and torture were commonplace. A nationwide election in these circumstances would have been a travesty. No one in the North would have dared to vote except as directed. With a substantial majority of the Vietnamese people living north of the 17th parallel, such an election would have meant turning the country over to the Communists without regard to the will of the people. The South Vietnamese Government realized these facts and quite properly took the position that consultations for elections in 1956 as contemplated by the accords would be a useless formality.³²

IV. THE PRESIDENT HAS FULL AUTHORITY TO COMMIT UNITED STATES FORCES IN THE COLLECTIVE DEFENSE OF SOUTH VIET-NAM

There can be no question in present circumstances of the President's authority to commit United States forces to the defense of South Viet-Nam. The grant of authority to the President in article II of the Constitution extends to the actions of the United States currently undertaken in Viet-Nam. In fact, however, it is unnecessary to determine whether this grant standing alone is sufficient to authorize the actions taken in Viet-Nam. These actions rest not only on the exercise of Presidential powers under article II but on the SEATO treaty—a treaty advised and consented to by the Senate and on actions of the Congress, particularly the joint resolution of August 10, 1964. When these sources of authority are taken together—article II of the Constitution, the SEATO treaty, and actions by the Congress—there can be no question of the legality under domestic law of United States actions in Viet-Nam.

A. The President's Power Under Article II of the Constitution Extends to the Actions Currently Undertaken in Viet-Nam.

Under the Constitution, the President, in addition to being Chief Executive, is Commander in Chief of the Army and Navy. He holds the prime responsibility for the conduct of United States foreign relations. These duties carry very broad powers, including the power to deploy American forces abroad and commit them to military operations when the President deems such action necessary to maintain the security and defense of the United States.

At the Federal Constitutional Convention in 1787, it was originally proposed that Congress have the power "to make war." There were objections that legislative proceedings were too slow for this power to be vested in Congress; it was suggested that the Senate might be a better repository. Madison and Gerry then moved to substitute, "to declare war" for "to make war," "leaving to the Executive the power to repel sudden attacks." It was objected that this might make it too easy for the Executive to involve the nation in war, but the motion carried with but one dissenting vote.

In 1787 the world was a far larger place, and the framers probably had in mind attacks upon the United States. In the 20th century, the world has grown much smaller.

²⁸ In any event, if North Viet-Nam considered there had been a breach of obligation by the South, its remedies lay in discussion with Saigon, perhaps in an appeal to the cochairmen of the Geneva conference, or in a reconvening of the conference to consider the situation. Under international law, North Viet-Nam had no right to use force outside its own zone in order to secure its political objectives. [Footnote in original.]

May 23, 1966

CONGRESSIONAL RECORD — SENATE

An attack on a country far from our shores can impinge directly on the nation's security. In the SEATO treaty, for example, it is formally declared that an armed attack against Viet-Nam would endanger the peace and safety of the United States.

Since the Constitution was adopted there have been at least 125 instances in which the President has ordered the armed forces to take action or maintain positions abroad without obtaining prior congressional authorization, starting with the "undeclared war" with France (1798-1800). For example, President Truman ordered 250,000 troops to Korea during the Korean war of the early 1950's. President Eisenhower dispatched 14,000 troops to Lebanon in 1958.

The Constitution leaves to the President the judgment to determine whether the circumstances of a particular armed attack are so urgent and the potential consequences so threatening to the security of the United States that he should act without formally consulting the Congress.

B. The Southeast Asia Collective Defense Treaty Authorizes the President's Actions.

Under article VI of the United States Constitution, "all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land." Article IV, paragraph 1, of the SEATO treaty establishes as a matter of law that a Communist armed attack against South Viet-Nam endangers the peace and safety of the United States. In this same provision the United States has undertaken a commitment in the SEATO treaty to "act to meet the common danger in accordance with its constitutional processes" in the event of such an attack.

Under our Constitution it is the President who must decide when an armed attack has occurred. He has also the constitutional responsibility for determining what measures of defense are required when the peace and safety of the United States are endangered. If he considers that deployment of U. S. forces to South Viet-Nam is required, and that military measures against the source of Communist aggression in North Viet-Nam are necessary, he is constitutionally empowered to take those measures.

The SEATO treaty specifies that each party will act "in accordance with its constitutional processes."

It has recently been argued that the use of land forces in Asia is not authorized under the treaty because their use to deter armed attack was not contemplated at the time the treaty was considered by the Senate. Secretary Dulles testified at that time that we did not intend to establish (1) a land army in Southeast Asia capable of deterring Communist aggression, or (2) an integrated headquarters and military organization like that of NATO; instead, the United States would rely on "mobile striking power" against the sources of aggression. However, the treaty obligation in article IV, paragraph 1, to meet the common danger in the event of armed aggression, is not limited to particular modes of military action. What constitutes an adequate deterrent or an appropriate response, in terms of military strategy, may change; but the essence of our commitment to act to meet the common danger, as necessary at the time of an armed aggression, remains. In 1954 the forecast of military judgment might have been against the use of substantial United States ground forces in Viet-Nam. But that does not preclude the President from reaching a different military judgment in different circumstances, 12 years later.

C. The Joint Resolution of Congress of August 10, 1964, Authorizes United States Participation in the Collective Defense of South Viet-Nam.

As stated earlier, the legality of United States participation in the defense of South

Viet-Nam does not rest only on the constitutional power of the President under article II—or indeed on that power taken in conjunction with the SEATO treaty. In addition, the Congress has acted in unmistakable fashion to approve and authorize United States actions in Viet-Nam.

Following the North Vietnamese attacks in the Gulf of Tonkin against United States destroyers, Congress adopted, by a Senate vote of 88-2 and a House vote of 416-0, a joint resolution containing a series of important declarations and provisions of law.²⁴

Section 1 resolved that "the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Thus, the Congress gave its sanction to specific actions by the President to repel attacks against United States naval vessels in the Gulf of Tonkin and elsewhere in the western Pacific. Congress further approved the taking of "all necessary measures . . . to prevent further aggression." This authorization extended to those measures the President might consider necessary to ward off further attacks and to prevent further aggression by North Viet-Nam in Southeast Asia.

The joint resolution then went on to provide in section 2:

"The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Section 2 thus constitutes an authorization to the President, in his discretion, to act—using armed force if he determines that is required—to assist South Viet-Nam at its request in defense of its freedom. The identification of South Viet-Nam through the reference to "protocol state" in this section is unmistakable, and the grant of authority "as the President determines" is unequivocal.

It has been suggested that the legislative history of the joint resolution shows an intent to limit United States assistance to South Viet-Nam to aid, advice, and training. This suggestion is based on an amendment offered from the floor by Senator [GAYLORD] Nelson which would have added the following to the text:

"The Congress also approves and supports the efforts of the President to bring the problem of peace in Southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is 'limited and fitting.' Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the Southeast Asian conflict."²⁵

Senator [J. W.] FULBRIGHT, who had reported the joint resolution from the Foreign Relations Committee, spoke on the amendment as follows:

"It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our

²⁴ For text, see BULLETIN of Aug. 24, 1964, p. 268.

²⁵ 110 Cong. Rec. 18459 (Aug. 7, 1964). [Footnote in original.]

policy; also what other Senators have stated. In other words, it states that our response should be appropriate and limited to the provocation, which the Senator states as 'respond to provocation in a manner that is limited and fitting,' and so forth. We do not wish any political or military bases there. We are not seeking to gain a colony. We seek to insure the capacity of these people to develop along the lines of their own desires, independent of domination by communism.

"The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take responsibility for delaying matters.

"I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy."²⁶

Senator NELSON's amendment related the degree and kind of U.S. response in Viet-Nam to "provocation" on the other side; the response should be "limited and fitting." The greater the provocation, the stronger are the measures that may be characterized as "limited and fitting." Bombing of North Vietnamese naval bases was a "limited and fitting" response to the attacks on U.S. destroyers in August 1964, and the subsequent actions taken by the United States and South Viet-Nam have been an appropriate response to the increased war of aggression carried on by North Viet-Nam since that date. Moreover, Senator NELSON's proposed amendment did not purport to be a restriction on authority available to the President but merely a statement concerning what should be the continuing policy of the United States.

Congressional realization of the scope of authority being conferred by the joint resolution is shown by the legislative history of the measure as a whole. The following exchange between Senators COOPER and FULBRIGHT is illuminating:

Mr. COOPER [JOHN SHERMAN COOPER]. . . . The Senator will remember that the SEATO Treaty, in article IV, provides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?

Mr. FULBRIGHT. I think that is correct.

Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to

²⁶ *Ibid.*

use such force as could lead into war, we will give that authority by this resolution?

Mr. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn it could be withdrawn by concurrent resolution.²⁷

The August 1964 joint resolution continues in force today. Section 2 of the resolution provides that it shall expire "when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress." The President has made no such determination, nor has Congress terminated the joint resolution.²⁸

Instead, Congress in May 1965 approved an appropriation of \$700 million to meet the expense of mounting military requirements in Viet-Nam. (Public Law 89-18, 79 Stat. 109.) The President's message asking for this appropriation stated that this was "not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our efforts to halt Communist aggression in South Vietnam."²⁹ The appropriation act constitutes a clear congressional endorsement and approval of the actions taken by the President.

On March 1, 1966, the Congress continued to express its support of the President's policy by approving a \$4.8 billion supplemental military authorization by votes of 392-4 and 93-2. An amendment that would have limited the President's authority to commit forces to Viet-Nam was rejected in the Senate by a vote of 94-2.

D. No Declaration of War by the Congress Is Required To Authorize United States Participation in the Collective Defense of South Viet-Nam.

²⁷ 110 Cong. Rec. 18409 (Aug. 6, 1964). Senator WAYNE MORSE, who opposed the joint resolution, expressed the following view on August 6, 1964, concerning the scope of the proposed resolution:

Another Senator thought, in the early part of the debate, that this course would not broaden the power of the President to engage in a land war if he decided that he wanted to apply the resolution in that way.

That Senator was taking great consolation in the then held belief that, if he voted for the resolution, it would give no authority to the President to send many troops into Asia. I am sure he was quite disappointed to finally learn, because it took a little time to get the matter cleared, that the resolution places no restriction on the President in that respect. If he is still in doubt, let him read the language on page 2, lines 3 to 6, and page 2, lines 11 to 17. The first reads:

"The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

It does not say he is limited in regard to the sending of ground forces. It does not limit that authority. That is why I have called it a predated declaration of war, in clear violation of article I, section 8, of the Constitution, which vests the power to declare war in the Congress, and not in the President.

What is proposed is to authorize the President of the United States, without a declaration of war, to commit acts of war. (110 Cong. Rec. 18426-7 (Aug. 6, 1964)). [Footnote in original.]

²⁸ On March 1, 1966, the Senate voted, 92-5, to table an amendment that would have repealed the joint resolution. [Footnote in original.]

²⁹ For text, see BULLETIN of May 24, 1965, p. 822.

No declaration of war is needed to authorize American actions in Viet-Nam. As shown in the preceding sections, the President has ample authority to order the participation of United States armed forces in the defense of South Viet-Nam.

Over a very long period in our history, practice and precedent have confirmed the constitutional authority to engage United States forces in hostilities without a declaration of war. This history extends from the undeclared war with France and the war against the Barbary pirates at the end of the 18th century to the Korean war of 1950-53.

James Madison, one of the leading framers of the Constitution, and Presidents John Adams and Jefferson all construed the Constitution, in their official actions during the early years of the Republic, as authorizing the United States to employ its armed forces abroad in hostilities in the absence of any congressional declaration of war. Their views and actions constitute highly persuasive evidence as to the meaning and effect of the Constitution. History has accepted the interpretation that was placed on the Constitution by the early Presidents and Congresses in regard to the lawfulness of hostilities without a declaration of war. The instances of such action in our history are numerous.

In the Korean conflict, where large-scale hostilities were conducted with an American troop participation of a quarter of a million men, no declaration of war was made by the Congress. The President acted on the basis of his constitutional responsibilities. While the Security Council, under a treaty of this country—the United Nations Charter—recommended assistance to the Republic of Korea against the Communist armed attack, the United States had no treaty commitment at that time obligating us to join in the defense of South Korea. In the case of South Viet-Nam we have the obligation of the SEATO treaty and clear expressions of congressional support. If the President could act in Korea without a declaration of war, *a fortiori* he is empowered to do so now in Viet-Nam.

It may be suggested that a declaration of war is the only available constitutional process by which congressional support can be made effective for the use of United States armed forces in combat abroad. But the Constitution does not insist on any rigid formalism. It gives Congress a choice of ways in which to exercise its powers. In the case of Viet-Nam the Congress has supported the determination of the President by the Senate's approval of the SEATO treaty, the adoption of the joint resolution of August 10, 1964, and the enactment of the necessary authorizations and appropriations.

V. CONCLUSION

South Viet-Nam is being subjected to armed attack by Communist North Viet-Nam, through the infiltration of armed personnel, military equipment, and regular combat units. International law recognizes the right of individual and collective self-defense against armed attack. South Viet-Nam, and the United States upon the request of South Viet-Nam, are engaged in such collective defense of the South. Their actions are in conformity with international law and with the Charter of the United Nations. The fact that South Viet-Nam has been precluded by Soviet veto from becoming a member of the United Nations and the fact that South Viet-Nam is a zone of a temporarily divided state in no way diminish the right of collective defense of South Viet-Nam.

The United States has commitments to assist South Viet-Nam in defending itself against Communist aggression from the North. The United States gave undertakings to this effect at the conclusion of the Geneva conference in 1954. Later that year the United States undertook an international

obligation in the SEATO treaty to defend South Viet-Nam against Communist armed aggression. And during the past decade the United States has given additional assurances to the South Vietnamese Government.

The Geneva accords of 1954 provided for a cease-fire and regroupment of contending forces, division of Viet-Nam into two zones, and a prohibition on the use of either zone for the resumption of hostilities or to "further an aggressive policy." From the beginning, North Viet-Nam violated the Geneva accords through a systematic effort to gain control of South Viet-Nam by force. In the light of these progressive North Vietnamese violations, the introduction into South Viet-Nam beginning in late 1961 of substantial United States military equipment and personnel, to assist in the defense of the South, was fully justified; substantial breach of an international agreement by one side permits the other side to suspend performance of corresponding obligations under the agreement. South Viet-Nam was justified in refusing to implement the provisions of the Geneva accords calling for reunification through free elections throughout Viet-Nam since the Communist regime in North Viet-Nam created conditions in the North that made free elections entirely impossible.

The President of the United States has full authority to commit United States forces in the collective defense of South Viet-Nam. This authority stems from the constitutional powers of the President. However, it is not necessary to rely on the Constitution alone as the source of the President's authority, since the SEATO treaty—advised and consented to by the Senate and forming part of the law of the land—sets forth a United States commitment to defend South Viet-Nam against armed attack, and since the Congress—in the joint resolution of August 10, 1964, and in authorization and appropriations acts for support of the U.S. military effort in Viet-Nam—has given its approval and support to the President's actions. United States actions in Viet-Nam, taken by the President and approved by the Congress, do not require any declaration of war, as shown by a long line of precedents for the use of United States armed forces abroad in the absence of any congressional declaration of war.

GOLD MINING IN NEVADA

Mr. BIBLE. Mr. President, Nevada has been witnessing what has been termed "a quiet, businesslike mining revival" in recent months, with gold mining making significant advances. This is nothing like the old gold and silver boom days which made famous the mining camps such as Virginia City and Goldfield. But it is just as important in its own way.

First, there was the launching of a \$10 million open-pit gold mining operation in northeastern Nevada, the Newmont Mining Corp.'s Carlin Gold Mine. Then, most recently, Deep San Petro Energy Developments Co. started a similar operation in eastern Nevada, near Pioche.

There are indications now that Nevada will, for the first time in too many years, be contending for the gold production lead.

I bring these developments to the attention of the Senate as proof of what can be done in the face of Federal policies that have all but crippled the miners' ability to dig for gold. If the gold miner can do this well with Government handicaps, there is no telling how much better

this way help to get over the rough period. This will not be a 9-5 clinic. Addicts do not take drugs or develop problems on a 9-5 basis!

7. To disseminate the problem of narcotics and its ramifications to all concerned: public schools, churches, philanthropic organizations, parent groups, etc. by competent lecturers.

8. To further research in the field of drugs and the causes for taking them.

9. To employ hospital personnel who are dynamic and driving and whose appearance and demeanor are smart, bright and alert so that the addict can look up to these people as leaders and make some identification. Too many in this field now are sloven, non-articulate and inspire nothing but chagrin and hopelessness.

10. Because of the magnitude of the narcotics problems with its social, economic and legal implications, discussions of possible programs directed toward cooperative solutions with other agencies have been omitted, but subsequent brochures will define these projects concerning summer camps, community social groups, restoring licenses, reclaiming endemic narcotics areas, etc.

CONTENDED LEGISLATION

11. Make illegal any cough medicine preparations containing codeine or any derivatives of opium unless prescribed by a doctor.

12. Impose economic sanctions on countries to whom we give foreign aid (green stuff) and who in turn then send us illicit exports of heroin (white stuff). They would then make an attempt to maintain better narcotics traffic control.

13. Legislation to the effect that all diplomatic personnel have baggage inspected by dual inspectors (country of his origin or his embassy plus our custom officers).

14. Levy a fine against the mode of transportation (ship, planes) in which the narcotics come, as well as a fine against users who vouch for said individual. This would further more thorough screening of all personnel by employers and unions.

15. Inspection for possible heroin addiction of all personnel, (commercial or armed services) coming in and out of our country.

16. Unannounced physical examination of all elementary high school and college students in Sept., Jan. and June of each year to check for early addiction by inspecting arms and other sites, such as mouth, nose and fingers.

17. A part of hygiene courses from the 3rd grade on should incorporate the explanation of the advanced reactions of glue-sniffing, heroin, goof balls, and pep pills, to let the youngsters actually know how very sick they can get on these medications, including the possibility of death. (Never make it bizarre or glamorous but factual and sobering.)

18. Revocation of the licenses of pharmacists who sell narcotics, cough preparations, derivatives of opium and other synthetic addicting drugs, barbiturates and amphetamines without a prescription. The penalty should be the same for the professional heroin pusher—50 years.

19. The penalty for the non-addict pusher should be 50 years without probation or parole. As a safeguard against those who would plead that they are addicts, urine analysis and blood tests should be given with careful observation for withdrawal symptoms over a period of ten days.

20. The illicit manufacturer of barbiturates, amphetamines, cough preparations which have been flooding the black market, should be classified in the same category as the professional drug pushers, and further, receive a 50 year sentence. All pills should have a lot number, manufacturer's name and code.

21. Redemption of various licenses for former drug addicts who are drug-free for one year or more.

22. Revocation of driver's license of known narcotics addicts who are actively using drugs.

23. Stiff penalties for any merchant who sells airplane glue to a child.

24. Development of M.D. narcotics specialists with probationary commitment powers.

25. Commitment to an institution of any drug addict by a family member.

26. The possession of LSD or marijuana must always be considered a felony. A lesser penalty would promote increased sales and increased use.

It is rather discouraging for HAVEN to note that there is a minority of uninformed doctors and other professionals who have access to radio and television. These men are minimizing the so-called mild effects of marijuana. At the same time they are saying that they themselves would willingly and casually experiment with LSD. We chastise these people severely since we have a most difficult problem in trying to convince high school and college students of the dangers of these drugs. The students often refute our warnings by quoting from these supposed "experts" who have never treated drug addicts and yet claim that these drugs are not dangerous.

Please help us get some of the above programs adopted. We have been advocating these approaches for the past five years in newspapers, on radio and on television. With your help and encouragement we can look forward to more rapid action.

It is felt if such a program as outlined were instituted, we might gain success in this field since that would be the first all-encompassing practical approach which has never before been employed.

To many years of contemplative research and statistic and meetings have passed while the problem continues to grow rampant.

We do not want a new generation to be born whose only outlook will be that there is a strong possibility of becoming addicted to this disease which we have been talking about for the past 50 years with no definitive action!

Let a positive approach to action be undertaken now!

Ellsworth Calls for New Look at Vietnam Policy

EXTENSION OF REMARKS

OF

HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 2, 1966

Mr. RUMSFELD. Mr. Speaker, I am submitting a statement by my able colleague, the Honorable ROBERT ELLSWORTH, of the State of Kansas, on the subject of U.S. policy in South Vietnam. Representative ELLSWORTH's statement follows:

ELLSWORTH CALLS FOR NEW LOOK AT VIETNAM POLICY

It is now time for the Johnson Administration to shape up in South Vietnam or get out.

As a Member of Congress I have repeatedly voted for measures to support our Armed Forces in Vietnam and to give the President all the authority he has asked for.

But I am rapidly losing confidence in this Administration's ability to see to it that our military operations are effectively backed up by the necessary political stability in Saigon. This, in turn, has undercut our efforts to

move the Vietnam conflict from the battlefield to the negotiating table.

Over 400,000 people have already been killed in this war—yellow, white, and black.

More than 3,000 Americans have been killed.

We now have 300,000 Americans on the scene in Vietnam, and by the end of the year we will probably have 500,000.

Helicopters, air support, and modern firearms give our troops in Vietnam four to five times the striking power our soldiers had in World War II.

We have already dropped the equivalent of a ton of bombs for every Viet Cong soldier.

Since 1964, we have given over three billion dollars in aid to South Vietnam.

In March, 1963, General Harkins, then our Commanding General in South Vietnam, stated that the South Vietnamese Armed Forces had "all that is required for victory."

In May of 1963 the Pentagon told us: "The corner definitely has been turned."

In October, 1963, Secretary of Defense McNamara said: "The major part of the military task can be completed by the end of 1965."

Early in 1964 Secretary McNamara told Congress that neither more combat troops nor more money would be needed in South Vietnam.

Late in 1964, Secretary McNamara, returning from a personal inspection of Vietnam, said: "We have stopped losing the war."

A credibility gap exists between what the administration tells us and what actually happens.

After all these years, all these efforts, and all these sacrifices, there is no evidence that the American presence has brought political maturity or political stability to the people or the government of South Vietnam. Just the opposite is the case: anti-government riots have shown an alarming influence in the very cities we and the South Vietnamese regimes have claimed to control. The spring of this year has seen chaos, turmoil, and rioting in the streets of South Vietnam, and curtailment of our military operations because of it.

Soldiers and officers of the South Vietnamese Army have removed their uniforms and put on civilian clothes in order to participate in anti-American riots.

At the height of the riots, we began for the first time to experience a higher death rate among our own American troops than the South Vietnamese forces were sustaining themselves. The anti-Communist South Vietnamese were so busy wrangling among themselves that they didn't have time to fight the Communists.

The Viet Cong and the North Vietnamese are close to winning the conflict in Vietnam on the political front.

Here at home, our Vietnam expenditures are largely responsible for the inflation that wracks our own country, for material shortages, and for government interference in wage and price decisions. The Vietnam War is a profound threat to our whole economy. When Chairman Gardner Ackley of the President's Council of Economic Advisors was before the Joint Senate-House Economic Committee on February 1 this year, discussing the President's Economic Report, he admitted in response to a question from me that he was "either ill-informed or a poor guesser about the trend of Vietnam expenditures."

Our dollar outflow to Vietnam accounts for more than half of our present annual balance of payments deficit.

No matter how much military power we focus in South Vietnam, no matter how magnificent the morale of our fighting men is, no matter how much effort and sacrifice they pour into the Vietnam conflict, and no matter how much strain it puts on our own society here at home, it will all be wasted unless the South Vietnamese can be effectively organized on a political basis. This the Johnson administration has failed to do.

¹These quotes are from "Narcoticsville, U.S.A." by R. W. Baird, M.D.; publisher Doubleday.

into this hurricane barrier plan. At our urging, the House and Senate Public Works Committees have approved resolutions for a study of flood control and hurricane protection needs for the west bank. The Corps of Engineers will conduct the study, so as to include all of the west bank in the hurricane protection plan.

We will act to provide a chain of connecting levees and other flood control works to help safeguard New Orleans, Gretna, Harvey, Marrero, Westwego, Bridge City, Lafitte, Baataria, Grand Isle, St. Charles Parish, and the remainder of the west bank. In other words, the west bank of Orleans, Jefferson, and St. Charles Parishes will be included in this hurricane barrier plan for the metropolitan area.

So, all in all, I believe we are making great progress in bringing the finest hurricane and flood control protection possible to our area. I am proud of the fine support which the people and the officials here at home are giving to this hurricane barrier plan. I look forward to working with you and the officials of the parish and our neighboring parishes to bring this worthy project to completion as soon as possible.

Freedom of Information

EXTENSION OF REMARKS OF

HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES
Monday, May 23, 1966

Mr. QUILLEN. Mr. Speaker, in the last week, two newspapers in my district printed editorials supporting the freedom-of-information bill.

I am inserting these statements in the RECORD, so that we can all take note of their views:

From the Elizabethton (Tenn.) Star, May 17, 1966]

BIG GOVERNMENT NEEDS

Hopes are high in newspaper circles that Congress may soon pass the first "freedom of information" bill in many, many years.

There has been a bill of one form or another in both houses of Congress for the past several years. In 1964 one was passed overwhelmingly by the Senate but died in a House committee.

Last year, as a new two-year Congress session began, hearings were held before both House and Senate committees. They again had separate bills—one in Sen. EDWARD LONG's Senate Judiciary Committee, one in Rep. JOHN MOSS' House Government Operations Subcommittee. Again, the Senate passed its bill handily, but the House did not act during the portion of the session held last year.

But now it appears that the House is about to act on the Senate bill—that is, vote on the bill that the Senate has already passed without subjecting it to the added process of a conference committee (a committee to draw a single bill from both Senate and House versions).

This is the closest any of these bills has ever come to passage. It is a moment long awaited by many within the various newspapers organizations that have been working on the bills.

But not only newspaper associations. Last year, in the midst of the "free press and fair trial" debate between newsmen and attorneys, the American Bar Association joined with news groups in heartily endorsing the information bills.

The current bill is relatively mild. It would reemphasize the basic right of the public to free access to information about government agencies—and their policies and practices. But it would exempt military and diplomatic matters.

The bill's principles are open to interpretation and will likely be interpreted in many and opposite ways. But, very importantly, the bill now seemingly on the verge of approval would provide for prompt recourse to the courts by any newsmen, or any individual or group who feels that information is being wrongfully withheld. This should be an effective restraint on those who would, when in doubt, withhold.

Having spent some little time ourselves lobbying for the Senate bill now before the House—Senate Bill 1160—including testimony before both House and Senate groups a year ago, the whole matter takes on a personal as well as a professional importance.

Primarily, these will eliminate foggy language now part of government directives on release of information. For example, some state that a government employee may withhold "for good cause." Now what does that mean? This new bill would be very specific about what may be withheld with all else presumed to be available.

Access to information about government has always been vital. But access to information about government becomes increasingly important the larger the government becomes and the greater its influence or the people.

And that is specifically what is happening right now.

[From the Bristol (Tenn.-Va.) Herald Courier, May 21, 1966]

INFORMATION BILL SHOULD BE PASSED

Freedom of the press, of course, is basic to America and its form of government. But freedom of information can be another thing indeed. The public's right to know may be frustrated by many and, unfortunately, often is.

For the past several years, Congress has considered and killed a number of "freedom of information" bills. This year, however, chances for success seem good and newspapers all over the nation are urging action. The bill in question has been passed by the Senate and a House vote appears imminent.

Considered a relatively mild step, the measure would re-emphasize the right of free access to information about government agencies, their policies and practices. It would exempt military and diplomatic matters.

Recourse to the courts would be provided for any person or group who feels information has been improperly withheld.

In short, the bill reasserts what the U.S. Constitution clearly sets forth. But because of the tendency of officials—particularly minor officials—to withhold because of doubt, the redundancy is necessary.

While newsmen all over America are openly lobbying for the measure, it is important to note that this is no "newspaper bill." It deals with information, a subject vitally important to every citizen. Since newspapers are the primary means of disseminating information in this nation, it follows that newsmen would have an abnormal interest in the progress of this particular proposal.

Still, this bill is important to everyone. It deals with the public's right to know. And since the public's right and the newspapers' right are, in this case, one and the same thing, support for the bill may be drawn from a wide spectrum of society.

The American Bar Association, for instance, has endorsed the "freedom of information" bill. This group—increasingly at odds with the American press of late—recognizes the clear need for open channels of information in government.

We hope every citizen shares this recognition. And particularly do we hope that a majority of Congress is aware of the problem and is ready to do something about it.

HAVEN, Inc.—Help Addicts Voluntarily End Narcotics

EXTENSION OF REMARKS

OF

HON. THEODORE R. KUPFERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1966

Mr. KUPFERMAN. Mr. Speaker, Dr. Robert W. Baird, is the founder of an organization known as HAVEN, Inc.—Help Addicts Voluntarily End Narcotics. This organization, under Dr. Baird's leadership, held its third annual dinner on May 14 in its drive to curtail and wipe out the narcotic habit. I present to my colleagues for consideration their program here set forth:

The Haven Fund was founded by a doctor who conducted a free ambulatory narcotics withdrawal clinic in his office for eight years in Harlem, the narcotics capital of the United States. In addition, a lecture and information center and a weekly parents' committee were developed.

Taking care of these addicts in the past 3 years, night after night from 10:00 p.m. to 4:00 a.m. and when necessary and Saturdays and Sundays and having patients completely off narcotics, made him realize expanded facilities were urgently needed.

Dr. Robert Baird sought the aid of some responsible civic-minded citizens and he was fortunate to find a core of unselfish people willing to help. He has outlined a plan for seeking a hospital which will be voluntary and non-profit with a program directed at rehabilitation job procurement and 24-hour clinical services. This is an outline of its goals. The HAVEN Clinic is free to all who seek its help.

1. To procure a hospital in which to place drug addicts for a period of detoxification using other drugs rather than narcotics, except in the few recalcitrant cases, and to have ambulatory narcotics clinics not using narcotics for withdrawal.

2. After the period of detoxification in the hospital, to get the cooperation of unions, school systems, etc., to help teach and train these boys and girls for some vocation such as plasterers, carpenters, clerks, etc. (practical application of job interest).

3. After this period of training (six to eight months) during which time they are still at this hospital but in an informal set-up, they would then be allowed an afternoon or evening a week out, then to return to the hospital at night, gradually giving them more and more liberties after they have proven themselves.

4. If this period of one day a week has been successful, allow them a weekend at home so that temptation could be overcome and transition made easier.

5. During this time, if training has been successful or if they already have a vocation, we would then procure a job for them! At the end of the day they would return to the Haven center to sleep. The idea would be to gradually get them to have confidence in themselves and be able to withstand the temptation of the community.

6. The clinic is to be established on a 24-hour basis open at night so that if an addict should suddenly develop a compulsive craving or desire to return to the use of narcotics, he could talk it over with someone and in

May 23, 1966

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CONGRESSIONAL RECORD APPENDIX

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The political initiative in South Vietnam, in the sixth year of our American presence there, now rests with the anti-Americans.

If there is a single vital lesson to be drawn from our experience in Vietnam, it is that foreign aid for economic development plus foreign aid for military development are practically useless without a strong program of political development among the people we are trying to help. Unless the people of a country can learn to participate in politics—to band together for community projects—to build the forms of citizen action, which we in this country take for granted and which have been the source of our progress—unless the people of a country can do these things, then all the money in the world for economic development, and all the bombing and killing of which we are so clearly capable, cannot bring much progress or much stability. This lesson of Vietnam the Johnson Administration still has to learn.

Lack of political cohesion among the anti-Communist forces in South Vietnam is and has been for a long time our most immediate and pressing problem. The Johnson Administration has failed effectively to do very much about it.

This Administration must now make it perfectly clear to all political leaders in South Vietnam—religious and military alike—that we do not intend to fight on in Vietnam unless they can get their own house in order, stop fighting each other, and start fighting the Communists.

Neither the American people nor the Congress will support the war in Vietnam much longer, unless the South Vietnamese are required to and do make an effective effort to establish political stability.

The sacrifice of our men's lives can have meaning only if our purpose is clear and our efforts are not wasted.

I, therefore, propose:

1. The Johnson Administration must immediately ask and get reasonable political stability in South Vietnam; otherwise, we must prepare to withdraw and quit wasting the efforts and sacrifices of our troops and our people.

(a) The original agreement to hold elections in August for a Constituent Assembly to draft a national Constitution should not be delayed to September or October or some later date, despite "trial balloons" along that line recently floated from the Ky regime in South Vietnam.

(b) It must be made clear that we expect the Constituent Assembly to complete its task in a specified and reasonable length of time so that a representative government can be established.

(c) We must insist that the leaders of all major anti-Communist religious sects subordinate their differences to the immediate task of fighting the Communist threat to their freedom, if they expect us to help them.

(d) A firm pledge of loyalty to the government must be exacted from each military officer in the Vietnamese Armed Forces, with compelling sanctions against violation of such pledges.

(e) We should also require, from all the main factions, pledges of full cooperation in broad and intensive programs for educating the urban and rural people of South Vietnam so that a foundation is laid for them to be able to control their own destiny.

If the government and people in South Vietnam are unwilling to make and keep these pledges, the United States should withdraw its forces. We are not there to impose our will on the people of Vietnam. If the government and people of Vietnam are not willing to take the minimum steps necessary to achieve enough political stability so that they can fight effectively, then the sacrifice of American lives will serve no purpose.

2. At the same time the Johnson Administration must renew and redouble its efforts to move the Vietnamese conflict from the

battlefield to the negotiating table. This, however, it must do against a background of reasonable political stability in South Vietnam and by the use of real and meaningful diplomacy.

Real and meaningful diplomacy is not the use of grandiose public relations efforts. A truce in Korea was made possible not by the dispatch of big-name Presidential envoys to hold press conferences in far-flung capitals of the world, but by a President who convinced the Communists that he sincerely desired to bring an end to the conflict.

The Suez Crisis was resolved, not by a flamboyant appeal for a U.N. debate which was never followed up by a real debate, but through a sincere effort to seek U.N. help to avoid a world crisis.

Successful negotiations for a test ban treaty did not come through spectacular Presidential journeys to Honolulu or other exotic spots, but through quiet, tough, patient diplomacy.

The twin pillars of peace in Vietnam are stability in Saigon and diplomacy in Washington. Peace cannot be secured without both.

It is now time for the Johnson Administration to require reasonable political stability in South Vietnam and to move the Vietnamese War from the battlefield to the negotiating table, or to get out of Vietnam.

Open Letter From the Archbishop of Washington, Patrick A. O'Boyle

EXTENSION OF REMARKS OF

HON. JULIA BUTLER HANSEN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1966

Mrs. HANSEN of Washington. Mr. Speaker, yesterday the archbishop of Washington, the Most Reverend Patrick A. O'Boyle, issued an open letter which specifically and beautifully stated the case against bigotry and discrimination in education, housing, job opportunities, and social life.

The letter is so eminently worthy that I thought all Members would be pleased to read it, and thus, I insert it in the CONGRESSIONAL RECORD:

ARCHDIOCESE OF WASHINGTON,
Washington, D.C., May 22, 1966.

DEARLY BELOVED IN CHRIST: As you well know, I have on more than one occasion spoken to you regarding the teaching of the Church on the moral aspects of civil rights. Most residents of the Archdiocese are familiar with precepts. However, the Washington area has many transients, and this is a continuing issue. It should be helpful to all of us, residents and visitors alike, to review briefly the spiritual basis on which the concept of social justice with charity is founded.

In the Gospels we read the following words of Our Lord, addressed to each one of us: "It is not the man who says to Me, 'Lord, Lord' who will enter into the kingdom of Heaven, but he who does My Heavenly Father's will." (Matt. 7, 21)

Doing the will of God in this life is the price of our eternal reward. It is also the price of peace and contentment in our homes and our community.

We know what the will of God means in relation to our neighbor. It means treating him as a fellow son of God, recognizing him as an equal image of the infinite God who is our Creator, our Redeemer and our Judge.

This fact was emphasized repeatedly by the Apostles in the society of their day, rife as it was with deep cleavages and animosities. St. Paul in his epistle to the Galatians (3: 28) said, "For you are all the children of God through faith in Christ Jesus. For all you have been baptized into Christ have put on Christ. There is neither Jew nor Greek; there is neither slave nor freeman."

The Bishops of this country, in 1958, applied the doctrine of Christ to the social problems of today when they said, "The heart of the race question is moral and religious. It concerns the rights of man and our attitude toward our fellow man. If our attitude is governed by the great Christian law of love of neighbor and respect for his rights, then we can work out harmoniously the techniques for making legal, educational, economic, and social adjustments."

Thank God, great advances have been made in developing a Christian attitude in the field of civil rights, with consequent gains in equality in education, housing, job opportunities and social life. These gains are assurances that further progress is possible. But further progress is assured only if we continue to condemn individually the denial of equal housing, education and job opportunities as morally wrong, just as we condemn other sinful actions which are part of the crime wave afflicting so many of our great cities. Those who deny a neighbor, solely on the basis of race, the opportunity to buy a house, enjoy equal educational and job opportunities are in effect denying that right to Christ Himself.

As Christians, we cannot select which part of the moral law we are to obey. We cannot grant ourselves personal privilege or exemption from any part of it. We cannot be part-time Christians or partially-loyal Christians. We are brothers of Christ and sons of God only if we accept His law fully—and that means accepting the dignity of every other person. If any one of us is a son of God, everyone is a son of God—with the same duties and same opportunities.

To fulfill the law of Christ our attitude must be, "What can I do to help my neighbor—every neighbor but especially him who needs most my help?"

Faithfully yours in Christ,
PATRICK A. O'BOYLE,
Archbishop of Washington.

Mission of Mercy

EXTENSION OF REMARKS OF

HON. CLARENCE J. BROWN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 23, 1966

Mr. CLARENCE J. BROWN, JR. Mr. Speaker, Davis Elkins, whose father and grandfather were U.S. Senators from West Virginia, has been in Vietnam for the past several months distributing 2,400 tons of relief supplies for the Vietnamese people as a gesture of good will from the Americans. In traveling around the country he found an orphanage at Di An which had no water supply system, so he had a water supply system built, and paid for out of his own pocket, next to the orphanage in order to save the children carrying water in buckets for about a mile and a half according to this report. Such actions and good deeds should be brought to the attention of us all:

May 23, 1966

[From the Morgantown (W. Va.) Post, Apr. 6, 1966]

**PLAQUE AT ORPHANAGE IN VIETNAM HONORS
WEST VIRGINIA SOLDIERS, MAJOR ELKINS**

There's a shiny new plaque on the well of an orphanage at Di An in South Vietnam that reads: "Dedicated to the men of West Virginia who gave their lives in service to God and their country in the Republic of Vietnam. Also in memory of Major Davis Elkins, U.S. Army 7th Inf. Regt., Belleau Woods and Argonne Forest France, 1916-1919."

Behind it there's quite a story, the story of a young West Virginian who went to South Viet Nam on a mission of mercy and found himself all but overwhelmed by the needs of the people of that war-torn nation.

The story came to light when former Morgantown radio announcer Bill (Bucky) Harris, now an Army lieutenant in South Viet Nam, ran into Davis Elkins, widely known in Young Republican circles, and a resident of Elkins when he isn't busy with his political and business interests. He's a WVU graduate whose father and granddad were U.S. Senators from West Virginia.

Lt. Harris reported the encounter in a letter to a friend James Welden, another former radio announcer.

Here's how Lt. Harris tells the story:

In case you didn't know it already, our good friend Davis Elkins has been here in Viet Nam for the past several months on a mission from the Young Republicans, the Young Democrats and the Junior Chamber of Commerce. He came here with 2,400 tons of relief supplies for the Vietnamese people as a gesture of good will from the Americans. You'd never believe how badly this type of thing is needed and how much good it has done already.

Well, old Davis did some traveling around the countryside and he got pretty wrapped up in this place and its problems. They've got this orphanage over at Di An which houses over 400 children who lost their parents as a result of the war. He was there with Col. Lambert, who is pretty much of a legend in Viet Nam. He's only got one eye and he is a war hero in the past three U.S. conflicts. Right now he's free-lancing for the Army as a special assistant to Gen. Westmoreland with the mission of helping the Vietnamese people in any way possible. He's quite a colorful character and the Vietnamese people love him.

Before going to Di An, they had spent about a month traveling around the countryside supervising the distribution of the food-stuffs. Actually it was quite a venture for Davis because Col. Lambert is fearless and they went a few places where the proverbial "angels fear to tread." Some of the roads they traveled are only used by convoys normally, and then not without trouble from the VC.

They moved about in a pickup truck, just the two of them, with Davis reading two months old hometown papers to keep him from thinking of the possibility of VC reception committees. Col. Lambert insisted there was no real danger because he never moved an inch without his trusty pen knife for protection. They were quite the talk of III Corps.

As I started to tell you earlier, they were visiting this orphanage at Di An. You may have read about it in the papers. Two American sergeants were shot in the back, one fatally, while they were working there on their own time. They were from the First Infantry Division.

anyway, Davis learned that the orphanage had no water supply system. Previously, they had carried water in buckets for about a mile and a half. I guess the kids sort of got to him. Before he left there, he had built and paid for, out of his own pocket, a water supply system next to the orphanage.

Madame Ngai, a well-known Vietnamese philanthropist who built the orphanage, insisted that he have a plaque placed on the well. So, Elkins purchased a bronze plaque.

It was a tremendous help to Madame Ngai's orphanage and it really helped to convince the area U.S. intentions were directed at their welfare. It is impossible to place too much emphasis on American civic action and the results that it produces. The work that many Americans are doing over here on their own time and at their own expense is invaluable and it is easy to see that this type of thing must be done if we are to win the support of the Vietnamese people.

Davis will be going back to work in the States in a few days and Col. Lambert is expecting to retire pretty soon. III Corps is going to miss them to say the least.

Secretary McNamara's Credo: The United States Has No Mandate To Police the World and No Charter To Rescue Floundering Regimes Who Fail To Meet the Expectations of Their Citizenry

EXTENSION OF REMARKS

OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 11, 1966

Mr. PUCINSKI. Mr. Speaker. Secretary of Defense Robert S. McNamara delivered a historic speech before the American Society of Newspaper Editors in Montreal, Canada, last week.

Among other things, Secretary McNamara said:

The United States has no mandate from on high to police the world, and no inclination to do so. There have been classic cases in which our deliberate non-action was the wisest action of all.

Certainly we have no charter to rescue floundering regimes, who have brought violence on themselves by deliberately refusing to meet the legitimate expectation of their citizenry.

I consider this one of the most important pronouncements emanating from the Johnson administration since the President took office.

I believe that all of those "nervous nellies" who have been sharpshooting at the President's policies and complaining that we have no policy ought to read Secretary McNamara's speech in its entirety. I should like particularly to call their attention to the quote cited above.

I believe that Secretary McNamara's unequivocal assertion that we do not intend to police the entire world should be a great source of comfort to those who, along with President Johnson, seek an end to world hostilities.

Mr. Speaker, I am placing Secretary McNamara's speech in the RECORD today in its entirety because I consider it one of the most significant pronouncements of our times. It spells out concisely the magnitude of our problems ahead, but it also makes clear the conditions under which this Nation will aid its allies.

Mr. Speaker, Secretary's McNamara's speech follows:

ADDRESS BY ROBERT S. McNAMARA, SECRETARY OF DEFENSE, BEFORE AMERICAN SOCIETY OF NEWSPAPER EDITORS, QUEEN ELIZABETH HOTEL, MONTREAL, CANADA, WEDNESDAY, MAY 18, 1966

President Royster, ladies and gentlemen, any American would be fortunate to visit this lovely island city, in this hospitable land.

But there is a special satisfaction for a Secretary of Defense to cross the longest border in the world—and realize that it is also the least armed border in the world. It prompts one to reflect how negative and narrow a notion of defense still clouds our century.

There is still among us an almost eradicable tendency to think of our security problem as being exclusively a military problem—and to think of the military problem as being exclusively a weapons-system or hardware problem.

The plain, blunt truth is that contemporary man still conceives of war and peace in much the same stereotyped terms that his ancestors did. The fact that these ancestors—both recent and remote—were conspicuously unsuccessful at avoiding war, and enlarging peace doesn't seem to dampen our capacity for cliches.

We still tend to conceive of national security almost solely as a state of armed readiness: a vast, awesome arsenal of weaponry.

We still tend to assume that it is primarily this purely military ingredient that creates security.

We are still haunted by this concept of military hardware.

But how limited a concept this actually is, becomes apparent when one ponders the kind of peace that exists between the United States and Canada.

It is a very cogent example. Here we are, two modern nations: highly developed technologically, each with immense territory, both enriched with great reserves of natural resources, each militarily sophisticated—and yet, we sit across from one another, divided by an unguarded frontier of thousands of miles * * * and here is not a remotest set of circumstances, in any imaginable time-frame of the future, in which our two nations would wage war on one another.

It is so unthinkable an idea as to be totally absurd.

But why is that so?

Is it because we are both ready in an instant to hurl our military hardware at one another?

Is it because we are both zeroed in on one another's vital targets?

Is it because we are both armed to our technological teeth that we do not go to war?

The whole notion—as applied to our two countries—is ludicrous.

Canada and the United States are at peace for reasons that have nothing whatever to do with our mutual military readiness.

We are at peace—truly at peace—because of the vast fund of comparable beliefs, common principles, and shared ideals.

We have our differences and our diversity and let us hope for the sake of a mutually rewarding relationship we never become sterile carbon copies of one another.

But the whole point is that our basis of mutual peace has nothing whatever to do with our military hardware.

Now this is not to say, obviously enough, that the concept of military deterrence is no longer relevant in the contemporary world.

Unhappily, it still is critically relevant with respect to our potential adversaries.

But it has no relevance whatever between the United States and Canada.

We are not adversaries. We are not going to become adversaries. And it is not mutual military deterrence that keeps us from be-

after case, ignores that provision in its interpretation of charges relating to unfair labor practices.

How long is the Congress going to countenance this practice? Several bills are pending in the Congress now which would overhaul the NLRB and create a fair and responsible agency to handle labor-management issues. The one and only function of such an agency should be to interpret the law the Congress has enacted, and do so in a fair and judicious manner.

Let us hope that the Supreme Court will resolve this issue in a responsible manner when decisions on several cases now pending before that tribunal are handed down. And let us hope that the members of the NLRB will do some soul searching and recognize the legal limitations of their authority in the performance of their duties. The public interest can ask no more and can be satisfied with nothing less.

Hearings Held in Minneapolis on War in Vietnam—IV

EXTENSION OF REMARKS

OF

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1966

Mr. FRASER. Mr. Speaker, two additional experts appeared at the Minneapolis hearings on Vietnam which I conducted. One is Edward Coen, associate professor of economics at the University of Minnesota, and the other is Carl A. Auerbach, professor of law at the University of Minnesota. Their role was to summarize and comment on questions brought up by the previous speakers.

The summaries follow:

EDWARD COEN, ASSOCIATE PROFESSOR OF ECONOMICS, UNIVERSITY OF MINNESOTA

PROFESSOR COEN. I would like to address myself to the problem of the proper terms of settlement.

We have said to the Communists that all we want them to do is to get out of South Viet Nam and they have said to us that all they want us to do is to get out of South Viet Nam and it is hard to see what sort of compromise in the middle of those two demands is feasible.

It's something like the Cuban Missile crisis. Khrushchev wanted to put fifty missiles on Cuba and we didn't want any and looking back it doesn't seem as though he would have settled for twenty-five.

Now, if this is the case then we have to give much more thought to the gravity of this situation than would be the case if there were some middle ground and I want to argue that if it is necessary to get out of Viet Nam in order to prevent the loss of hundreds of thousands of lives I think we should leave.

We may be able to find some face saving device, and if we can that will be all to the good but nevertheless as of now I would say we ought to leave.

Now, it is felt that this would be a terrible blow to our prestige and again I'd like to mention again what happened in Cuba. Khrushchev backed down one hundred percent and you would think that would ruin his prestige from then on, but if you will think about it, as a result of what he did

we, without being conscious of the fact, came to realize that he was a rational man, not given to total recklessness, and we began to feel much more secure than we had before.

In fact, we began to feel so secure with him that we were upset when he was turned out of power later on by his fellow Communists and I believe that the rest of the world regards this present problem in the same light.

Our newspapers have not told us this, but most countries in the world, almost every country in the world, thinks that our conduct in this affair is barbaric and reckless and they would be most reassured if we were to pull out and prove that we have a moral responsibility that goes with the holding of the greatest amount of military power.

Now, I'd like to develop the arguments in favor of our withdrawal. One argument that has been given for us staying there goes as follows:

Secretary Rusk has said we are not in Viet Nam to save face; we are there to save South Viet Nam; and I would like—well, none of us are against salvation—but I would like to examine more carefully what he means by saving the South Vietnamese.

SAVING THE SOUTH VIETNAMESE

You may have noticed a few months ago that at a press conference General Ky said that the man he most admired in the world was Adolph Hitler and what South Viet Nam needed was another Adolph Hitler. Moreover, General Ky is not unrepresentative of the social class from which he comes and whose power we are engaged in protecting; that class which will rule South Viet Nam when we have won our war and left: That class, by the almost unanimous testimony of responsible American observers in that country, is corrupt and selfish and totally without social conscience.

Now, the question is as follows: How many people are we prepared to ask to die, how many people are we prepared to kill so that the survivors can live under a right wing dictatorship by General Ky instead of a left wing dictatorship headed by Ho Chi Minh? What is the margin of superiority of the Salgon Government over the Hanoi Government which justifies us in committing all this brutality and killing all these people?—And not merely just our own soldiers?

NATURE OF THE WAR

The next point I'd like to make concerns the nature of the war that we are fighting. You all remember a few weeks ago that we bombed by mistake a little Village called Deduc and when one of the fighter pilots was interviewed afterwards he described how he peeled off and went in to attack the Village. "I could see people standing around in the street," he said, "but that wasn't unusual; I have seen people before in similar attacks."

O.K. What does that mean? It means that when the Viet Cong go to a Village and ask for food or ask the Villagers to nurse their wounded or just to shelter them, that Village becomes unfriendly and that's the Village that we are entitled to bomb and we go over there and even if they are standing around in the streets we drop our phosphorous bombs on their children.

I'd like to read to you a piece from the New York Times a few days ago. The headline is: "Rumble Depicts the Agony of a Town in Viet Nam":

"Do Son is a complex of five prosperous fishing hamlets set among fruit groves on the beach. In mid-August United States and Vietnamese Military Officers decided that the Communists were using Do Son as a base. Now, if they want to use it as a base they don't ask the mayor if they can come in. They come in regardless. So, the next two months until the Viet Cong finally withdrew it was periodically and ferociously shelled by 7th Fleet Destroyers and bombed by Vietnamese and American planes.

"Vietnamese Government Officials are certain that at least one hundred and eighty-four civilians died, but they conceded that because of lack of records and because the confusion is still great no one really knows how many. Some reasonable estimates run as high as six hundred. The number of wounded is also not known but is believed much higher than six hundred.

"When an American visits Do Son these days the Villagers seem to find a peculiar relief in telling horror stories of how many of the inhabitants were killed by bombs and shells.

"There," said a fisherman pointing to a bomb crater beside a ruined house, "a woman and her six children were killed in a bomb shelter when it got a direct hit."

"At least ten other hamlets in this heavily populated province of about seven hundred thousand persons have been destroyed as thoroughly as the five in Do Son. Each month six hundred to a thousand civilians wounded by bomb shells and Napalm are brought to the provincial hospital. Officials say that about thirty per cent of these cases require major surgery. A recent visitor found several children lying on cots under mosquito netting their bodies horribly burned by Napalm. Officials believe a majority of the civilians who are wounded never get to a hospital because of a lack of transportation because they live in areas still controlled by the Viet Cong."

Now, those are just a sample and I think it is significant that while our government tells us how many Americans are killed each week, how many South Vietnamese are killed each week, how many Viet Cong are killed each week, they never tell us or give us the vaguest estimate of how many civilians they are killing each week. I think the number is so large you would be ashamed to hear of it.

Now, in the newspaper tonight it says that we may put as many as half a million men into South Viet Nam and the Communists are capable of putting in another half a million and they are going to run back and forth killing each other a little bit but mostly killing civilians because the Communists aren't going to be able to bring the rice the several hundred miles that they need from North Viet Nam and they are going to force the peasants to give them part of their rice crop and we are going to bomb the same peasants for doing it or take away their rice from them so that they cannot give it to the Viet Cong.

Now, our soldiers will get fed and the Viet Cong will get fed but I think millions of civilians will starve and will die from disease.

Now, this in effect is a sort of coalition, a coalition between us and the Viet Cong to see how much terror we can inflict on the people of South Viet Nam in the name of freeing.

ESCALATION

Now, I'd like to talk a little bit about escalation. The theory of escalation, I suppose, is somewhat as follows: We both escalate but we are assuming that they are going to quit first. O.K. Now the question is are they and how soon? Does our government really know how soon they will quit? They haven't done a very good job of predicting up to this point because sometime ago Secretary McNamara said that he thought by December, 1968, we would be able to start bringing home most of the American Troops.

I'd like to just make this one fundamental point: There is a limit, a strict limit, to the benefit which we can bring to these people. We cannot give them democracy. We can only give them a right wing dictatorship. O.K.?

Is there some level of casualties such that if it occurs it will make the pain and the brutality and grief ten times greater than this benefit? Now, the people who advocate

These relationships call for realism. But realism is not a hardened, inflexible, unimaginative attitude. The realistic mind is a restlessly creative mind—free of naive delusions, but full of practical alternatives.

There are practical alternatives to our current relationships with both the Soviet Union and Communist China.

A vast ideological chasm separates us from them—and to a degree, separates them from one another.

There is nothing to be gained from our seeking an ideological rapprochement; but breaching the isolation of great nations like Red China, even when that isolation is largely of its own making, reduces the danger of potentially catastrophic misunderstandings, and increases the incentive on both sides to resolve disputes by reason rather than by force.

There are many ways in which we can build bridges toward nations who would cut themselves off from meaningful contact with us. We can do so with properly balanced trade relations, diplomatic contacts, and in some cases even by exchanges of military observers.

We have to know where it is we want to place this bridge; what sort of traffic we want to travel over it; and on what mutual foundations the whole structure can be designed.

There are no one-cliff bridges. If you are going to span a chasm, you have to rest the structure on both cliffs.

Now cliffs, generally speaking, are rather hazardous places. Some people are afraid even to look over the edge. But in a thermonuclear world, we cannot afford any political acrophobia.

President Johnson has put the matter squarely. By building bridges to those who make themselves our adversaries, "we can help gradually to create a community of interest, a community of trust, and a community of effort."

With respect to a "community of effort" let me suggest a concrete proposal for our own present young generation in the United States.

It is a committed and dedicated generation: it has proven that in its enormously impressive performance in the Peace Corps overseas; and in its willingness to volunteer for a final assault on such poverty and lack of opportunity that still remain in our own country.

As matters stand, our present Selective Service System draws on only a minority of eligible young men.

That is an inequity.

It seems to me that we could move toward remedying that inequity by asking every young person in the United States to give two years of service to his country—whether in one of the military services, in the Peace Corps, or in some other volunteer developmental work at home or abroad.

We could encourage other countries to do the same; and we could work out exchange programs—much as the Peace Corps is already planning to do.

While this is not an altogether new suggestion, it has been criticized as inappropriate while we are engaged in a shooting war.

But I believe precisely the opposite is the case. It is more appropriate now than ever. For it would underscore what our whole purpose is in Vietnam—and indeed anywhere in the world where coercion, or injustice, or lack of decent opportunity still holds sway.

It would make meaningful the central concept of security: a world of decency and development—where every man can feel that his personal horizon is rimmed with hope.

Mutual interest—mutual trust—mutual effort; those are the goals. Can we achieve those goals with the Soviet Union, and with Communist China? Can they achieve them with one another?

The answer to these questions lies in the answer to an even more fundamental question.

Who is man?

Is he a rational animal?

If he is, then the goals can ultimately be achieved.

If he is not, then there is little point in making the effort.

All the evidence of history suggests that man is indeed a rational animal—but with a near infinite capacity for folly. His history seems largely a halting, but persistent, effort to raise his reason above his animality.

He draws blueprints for Utopia. But never quite gets it built. In the end, he plucks away obstinately with the only building material really ever at hand: his own part-comic, part-tragic, part-cussed, but part-glorious nature.

I, for one, would not count a global free society out.

Coercion, after all, merely captures man.

Freedom captivates him.

Thank you very much.

NLRB Disregards the Law

EXTENSION OF REMARKS OF

HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 19, 1966

Mr. FISHER. Mr. Speaker, the records are becoming replete with questionable actions on the part of the National Labor Relations Board. Scores of instances are piling up which strongly indicate repeated misuse of authority and the assumption of unwarranted power on the part of the NLRB and its regional offices.

Today I desire to add another instance to the record of cases that have been badly mishandled. I have sought and obtained factual information relating to it. I am referring to a case involving Patio Foods, Inc., of San Antonio. Here is a brief chronology of some events which strongly indicates prejudice and pre-judgment of issues on the part of the NLRB and its employees:

In February 1965, the company was notified that a union, the IUE, was undertaking an organizational effort in its plant.

The company, in June, requested an election from NLRB, and an election was held on July 22, 1965. The union was soundly defeated, by a margin of 235 to 160.

In September the company learned that some 23 charges of unfair labor practices had been filed against it, following the election.

On December 8, 1965, the company received a notice from the NLRB in Houston to the effect that the NLRB had refused to certify the election, and cited three of the charges as the reason without any ruling on the other 20 that were pending.

Then, on December 10, 1965, the company wrote to Mr. Clifford Potter, NLRB's Houston Regional Director, and pointed out the following coincidences:

First. That it took the Board 139 days

to give a decision on the election; whereas in an other election, involving another company, held about the same time as the one at the Patio Foods plant, where the union won, the Board gave its decision in only 77 days.

Second. That it was unusual that the decision in the Patio Foods case was held within 1 week before the same union involved was holding an election at Standard Electric in San Antonio, which contest was widely used as propaganda designed to influence the election at Patio Foods.

Third. That organizers of the union in the company's plant circulated rumors about future developments against the company, and did so several days before the company received any information from the NLRB's office.

Another coincidence occurred on the afternoon of the day the regional director received the letter from the company: that afternoon the company's attorney received a telephone call from Potter's assistant in Houston advising him it had been decided to file 13 more unfair labor practice charges, all relating to the previous June and July.

This was followed by the appearance, within 3 days, of two men in the company's San Antonio plant, who filed three more unfair labor practice charges.

Mr. Speaker, the unsavory manner in which the NLRB's Houston office handled this case is highly suspect. It smacks of prejudice and a total lack of judicial temperament. Obviously, the filing of the new charges was a form of retaliation against the company because of the writing of the letter to Potter on December 10. This conduct was, on its face, highhanded and reprehensible. Here we have every indication of a conspiracy on the part of the NLRB's regional office, which in conjunction with the defeated and disgruntled union, seemed determined to make life miserable for the management of Patio Foods.

If the NLRB has any desire to be fair and judicial in the discharge of its functions under the law, the regional office in Houston should be thoroughly investigated. The director there should be either discharged or admonished to desist from repeating such practices in the future.

Most of the charges of unfair labor practices in connection with plant elections relate to expressions by management. Surely members of the NLRB know, or should know, that the rights of freedom of speech by management, as well as that of labor, was spelled out in a law enacted by the Congress in 1947. Let us here refer to the wording of section 8(c) of the Taft-Hartley Act, which states:

The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

Yet we know that despite the clear and concise wording and meaning of the law, with respect to freedom of speech on the part of management, the NLRB, in case

escalation here, are they prepared to say with some high probability that the Communists will give in before the level of casualties has reached a figure that totally dwarfs any conceivable benefit from "winning this war?"

Thank you.

CARL A. AUERBACH, PROFESSOR OF LAW, UNIVERSITY OF MINNESOTA

Congressman FRASER. Now, our last speaker before we get to the real exchange within and among the panel is Professor Carl Auerbach.

Professor AUERBACH. Thank you, Congressman FRASER.

I have been given a rather impossible job as the last speaker to reply in this short time to two totally different proposals.

One, that we get out entirely, and the other, the more moderate proposal as made by Mr. Coen's predecessor, but I do believe that I ought to concentrate on what Mr. Coen had to say and let the panelists discuss other matters of what went before.

I think it is rather reprehensible of Professor Coen to imply with as much fervor as he has implied that only those who are opposed to American policy in Viet Nam are fully appreciative of the horrors of the war. There isn't a man on this panel who hasn't lived through those horrors and seen them day by day.

It is not enough to get simply indignant or eloquent. We need not be reminded that any kind of war and particularly thermo-nuclear war is a crime against humanity.

The question is to use the intelligence and the brains that God gave us to try to see straight what ought to be done. I would have been more sympathetic with his eloquence if he had one word to say about the barbarities committed by North Viet Nam, not in South Viet Nam, but in North Viet Nam itself.

Even before our bombing began, by 1958 two very serious events had occurred which alerted our government to what we might expect. The first was the activities of the Communist party up in North Viet Nam in their own country.

As soon as Ho Chi Minh assumed power he engaged in the land reform program in a situation which did not call for it because North Viet Nam particularly was always a country of small land holdings in which a landlord was called someone who owned probably two acres or less.

Estimates of the brutalities and of the executions of the peasants in North Viet Nam total in the hundreds of thousands. He thoroughly purged his own Communist opposition. Ten thousand Trotskyists were murdered and these are the extreme left wing which at that time were inimical to Ho Chi Minh.

In South Viet Nam as the Vietminh under the Geneva Accords withdrew to the North they left terror, they bombed buildings contrary to the Geneva Accords. By 1958 they had killed thirty thousand Village chiefs, school teachers, social workers, and Village notables or elders in general. Ever since 1954, North Viet Nam has been determined to destroy the social and economic fabric of South Viet Nam.

There isn't one iota of evidence that the progress made in North Viet Nam exceeds that made in South Viet Nam either on the agricultural or the industrial front contrary to what Mr. Romeyn Taylor gave us in a new mystique that it takes authoritarian leftists to achieve social and economic reform. That's simply bunk.

The only area in which the progress of the North Vietnamese industrially has exceeded that of South Viet Nam is in the area where South Viet Nam completely lacks raw materials: For example, coal. In other areas the achievements are comparable.

There is a man of great importance and great background and learning in this area who is not an American and who has just returned from South Viet Nam. He is a University of London Reader in Vietnamese Studies which is the rank in British Universities just below that of full professor. This man reports that there isn't one shred of evidence that he could find that there is popular support in South Viet Nam for the National Liberation Front. The National Liberation Front as an indigenous movement is a segment in the imaginations of people like Professor Coen.

He reports that there is growing support of the government in South Viet Nam.

I deplore with Professor Coen Premier Ky's statement, which he later withdrew but not completely to my satisfaction. The hope, however, is that in time as some tranquility is restored to South Viet Nam that a government can be created which will achieve for the people of South Viet Nam what they hoped that Diem would achieve in 1954, a man who cruelly disappointed their hopes as time went on. He reports that there is growing support on the part of University Students who for the first time have volunteered to help in South Viet Nam enterprises of all sorts without being paid for it which is quite a commentary on the students there but nevertheless is progress measured by the past.

TERMS OF A SETTLEMENT

It is very easy as members on the panel have said to chart out briefly or at length what the terms of a settlement might be like. We would all like the bombings of North Viet Nam to cease, but we would all like, too, to see the Viet Cong terror and destruction in the south stop.

We would like to see both sides get out. We would like to see the people of South Viet Nam have some chance to determine their own destiny, but anybody who believes that the victory of the Viet Cong is a precondition for the achievement by the South Vietnamese people of their own destiny is cruelly mistaken. Unfortunately, wishing will not make it so.

Just as it takes two to tango it takes more than one to negotiate. We have repeatedly offered to negotiate on a basis that will assure the right of the South Vietnamese people to determine their own destiny. I would even settle for a basis that would allow—as tranquillity is restored—elections in South Viet Nam even though there would be no elections in North Viet Nam. That too is a concession we have to make to the interests of peace, but to assume that by getting out we will solve any problems is a cruel hoax, a hoax that may lead us into a more barbaric and a more total war than even this cruel war in which we are now engaged.

If our word, if our political responsibility in Southeast Asia is denied by a unilateral withdrawal, what hope will people in other areas—in Australia, in Japan, in India, in Indonesia not to speak of Laos and Burma—what hope will they have that we are committed or involved in their destinies whatsoever?

What hope will we have for a lasting peace when the Red Chinese will be able to say to the Soviet Union, "You see, the United States is a paper tiger after all. Your arguments were completely wrong. You broke with us because you thought that wars of national liberation would endanger world peace. We told you they would never endanger world peace, that co-existence was a fraud from the Communist's point of view because the Americans are paper tigers. You see, we were right."

Can you imagine that this would be followed by a period of peaceful co-existence or peaceful cooperation with the Communist world or that the trends toward liberation in the Communist world will be improved? We

must stay there if for no other reason than to prove to the Red Chinese that wars of liberation will not pay off and that they have more to gain by a policy of peaceful co-existence with the United States than they do by a policy of armed insurrection which disregards the wishes of the people of Southeast Asia.

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Curtin, Willard S., Pa.----
Curtis, Thomas B., Mo.----
Daddario, Emilio Q., Conn.----
Dague, Paul B., Pa.----
Daniels, Dominick V., N.J.----
Davis, Glenn R., Wis.----
Davis, John W., Ga.----
Dawson, William L., Ill.----
de la Garza, Eligio, Tex.----
Delaney, James J., N.Y.----
Dent, John H., Pa.----
Denton, Winfield K., Ind.----
Derwinski, Edward J., Ill.----
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Dickinson, William L., Ala.----
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Dowdy, John, Tex.----
Downing, Thomas N., Va.----
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Edwards, Edwin W., La.----
Edwards, Jack, Ala.----
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Erlenborn, John N., Ill.----
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Everett, Robert A., Tenn.----
Evins, Joe L., Tenn.----5044 Klinge St.
Fallon, George H., Md.----
Farbstein, Leonard, N.Y.----
Farnsley, Charles P., Ky.----
Farnum, Billie S., Mich.----
Fascell, Dante B., Fla.----
Feighan, Michael A., Ohio.----
Findley, Paul, Ill.----
Fino, Paul A., N.Y.----
Fisher, O. C., Tex.----Calvert-Woodley
Flood, Daniel J., Pa.----The Congressional
Flynt, John J., Jr., Ga.----
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Foley, Thomas S., Wash.----
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Dr., Alexandria,
Va.
Ford, William D., Mich.----
Fountain, L. H., N.C.----The Westchester
Fraser, Donald M., Minn.----
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Friedel, Samuel N., Md.----
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Fulton, Richard, Tenn.----
Fuqua, Don, Fla.----
Gallagher, Cornelius E.,
N.J.
Garmatz, Edward A., Md.----
Gathings, E. C., Ark.----
Gettys, Tom S., S.C.----
Giaimo, Robert N., Conn.----
Gibbons, Sam, Fla.----

Gilbert, Jacob H., N.Y.----
Gilligan, John J., Ohio.----
Gonzalez, Henry B., Tex.----200 C St. SE.
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Grabowski, Bernard F.,
Conn.
Gray, Kenneth J., Ill.----
Green, Edith (Mrs.), Oreg.----
Green, William J., Pa.----
Greigg, Stanley L., Iowa.----301 G St. SW.
Grider, George W., Tenn.----119 7th St. SE.
Griffiths, Martha W.,
(Mrs.), Mich.
Gross, H. R., Iowa.----
Grover, James R., Jr., N.Y.----
Gubser, Charles S., Calif.----
Gurney, Edward J., Fla.----
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Harvey, Ralph, Ind.----
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Herlong, A. S., Jr., Fla.----
Hicks, Floyd V., Wash.----
Holifield, Chet, Calif.----
Holland, Elmer J., Pa.----
Horton, Frank J., N.Y.----
Hosmer, Craig, Calif.----
Howard, James J., N.J.----
Hull, W. R., Jr., Mo.----
Hungate, William L., Mo.----
Huot, J. Oliva, N.H.----
Hutchinson, Edward, Mich.----
Ichord, Richard (Dick),
Mo.
Irwin, Donald J., Conn.----
Jacobs, Andrew, Jr., Ind.----
Jarman, John, Okla.----
Jennings, W. Pat, Va.----
Joelson, Charles S., N.J.----
Johnson, Albert W., Pa.----
Johnson, Harold T., Calif.----
Johnson, Jed, Jr., Okla.----
Jonas, Charles Raper, N.C.----
Jones, Paul C., Mo.----1111 Army-Navy
Dr., Arlington,
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Jones, Robert E., Ala.----
Jones, Walter B., N.C.----
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King, Carleton J., N.Y.----
King, Cecil R., Calif.----
King, David S., Utah.----
Kirwan, Michael J., Ohio.----
Kluczynski, John C., Ill.----
Kornegay, Horace R., N.C.----
Krebs, Paul J., N.J.----
Kunkel, John C., Pa.----
Kupferman, Theodore R.,
N.Y.
Laird, Melvin R., Wis.----
Landrum, Phil M., Ga.----